

**CITY COUNCIL OF MONTEREY PARK
AND THE CITY COUNCIL ACTING ON BEHALF OF THE SUCCESSOR AGENCY OF THE FORMER
REDEVELOPMENT AGENCY
AGENDA**

REGULAR MEETING

**Monterey Park City Hall Council Chambers
320 W. Newmark Avenue, Monterey Park, CA 91754**

**Wednesday
June 19, 2019**

7:00 p.m.

MISSION STATEMENT

**The mission of the City of Monterey Park is to provide excellent services
to enhance the quality of life for our entire community.**

Documents related to an Agenda item are available to the public in the City Clerk's Office located at 320 West Newmark Avenue, Monterey Park, CA 91754, during normal business hours and the City's website at www.montereypark.ca.gov.

PUBLIC COMMENTS ON AGENDA ITEMS

You may speak up to 5 minutes on Agenda item. You may combine up to 2 minutes of time with another person's speaking. No person may speak more than a total of 10 minutes. The Mayor and City Council may change the amount of time allowed for speakers.

Per the Americans with Disabilities Act, if you need special assistance to participate in this meeting please call City Hall at (626) 307-1359 for reasonable accommodation at least 24 hours before a meeting. Council Chambers are wheelchair accessible.

This Agenda includes items considered by the City Council acting on behalf of the Successor Agency of the former Monterey Park Redevelopment Agency which dissolved February 1, 2012. Successor Agency matters will include the notation of "SA" next to the Agenda Item Number.

CALL TO ORDER Mayor

FLAG SALUTE The Monterey Park Police Explorers

ROLL CALL Peter Chan, Mitchell Ing, Stephen Lam, Hans Liang, Teresa Real Sebastian

AGENDA ADDITIONS, DELETIONS, CHANGES AND ADOPTIONS

PUBLIC COMMUNICATIONS. While all comments are welcome, the Brown Act does not allow the City Council to take action on any item not on the agenda. The Council may briefly respond to comments after Public Communications is closed. Persons may, in addition to any other matter within the City Council's subject-matter jurisdiction, comment on Agenda Items at this time. If you provide public comment on a specific Agenda item at this time, however, you cannot later provide comments at the time the Agenda Item is considered.

ORAL AND WRITTEN COMMUNICATIONS

[1.] PRESENTATION

1-A. ECONOMIC DEVELOPMENT UPDATE

Provide update on various approved projects within the City including, for example, Courtyard by Marriot and Market Place.

[2.] OLD BUSINESS

2-A. RECOMMENDATIONS FOR ADOPTION OF FISCAL YEAR 2019-2020 ANNUAL BUDGET

It is recommended that the City Council:

- (1) Adopt by Resolution the City's and Successor Agency's Fiscal Year 2019-2020 Annual Budget as presented on May 28 and May 29, 2019, City Manager's recommended budget incorporated with Council's directions; and
- (2) Alternatively, discuss and take other action related to this item.

[3.] CONSENT CALENDAR ITEMS NOS. 3A-3F

3-A. SUCCESSOR AGENCY MONTHLY INVESTMENT REPORT – MAY 2019

It is recommended that the City Council:

- (1) Receive and file the Monthly Investment Report; and
- (2) Take such additional, related, action that may be desirable.

3-B. WARRANT REGISTER FOR THE CITY OF MONTEREY PARK OF JUNE 19, 2019

It is recommended that the City Council:

- (1) Approve payment of warrants and adopt a Resolution allowing certain claims and demands per Warrant Register dated June 19, 2019 totaling \$349,337.99 specifying the funds out of which the same are to be paid; and
- (2) Take such additional, related, action that may be desirable.

3-C. MONTHLY INVESTMENT REPORT – MAY 2019

It is recommended that the City Council:

- (1) Receive and file the monthly investment report; and
- (2) Take such additional, related, action that may be desirable.

3-D. CONSIDERATION AND POSSIBLE ACTION TO WAIVE SECOND READING AND ADOPT A REGULAR ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE ("MPMC") §§ 4.20.060 AND 4.30.180 GOVERNING FINES AND THE URGENCY ABATEMENT OF PUBLIC NUISANCES TO RECOVER COSTS INCURRED RESULTING FROM DISPOSAL OF ILLEGAL FIREWORKS AND ADDING A NEW § 4.20.200 FOR HARDSHIP WAIVERS AS REQUIRED BY CALIFORNIA LAW

It is recommended that the City Council consider:

- (1) Waive second reading and adopt the ordinance;
- (2) Taking such additional, related, action that may be desirable.

3-E. MEMORANDA OF UNDERSTANDING BETWEEN THE CITY OF MONTEREY PARK AND THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA FOR EL NIÑO PREPAREDNESS PROJECTS AT THREE AREAS NEAR GARVEY RESERVOIR

It is recommended that the City Council:

- (1) Authorize the City Manager to execute three Memoranda of Understanding between the City of Monterey Park and the Metropolitan Water District of Southern California for El Niño Preparedness projects at three areas near Garvey Reservoir, in a form approved by the City Attorney; and
- (2) Taking such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The preparedness projects were reviewed pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines"). Based upon that review, the preparedness projects are exempt from further review pursuant to CEQA Guidelines § 15269(a) because the protection of public and private property is necessary to maintain service essential to the public, health and welfare.

3-F. AWARD OF MAINTENANCE AGREEMENT FOR BOULEVARD MEDIAN LANDSCAPING TO MARIPOSA LANDSCAPES, INC

It is recommended that the City Council consider:

- (1) Authorizing the City Manager to execute a three year agreement, in a form approved by the City Attorney, with Mariposa Landscapes, Inc., for an amount not to exceed \$353,952 for Boulevard Median Landscaping;
- (2) Authorizing the Director of Public Works to approve change orders up to \$17,697.60 (up to 5% of the agreement amount); and
- (3) Taking such additional, related, action that may be desirable.

[4.] PUBLIC HEARING – None.

[5.] NEW BUSINESS – None.

[6.] COUNCIL COMMUNICATIONS AND MAYOR/COUNCIL AND AGENCY MATTERS

[7.] CLOSED SESSION (IF REQUIRED; CITY ATTORNEY TO ANNOUNCE)

ADJOURN



City Council Staff Report

DATE: June 19, 2019

AGENDA ITEM NO: Old Business
Agenda Item 2-A

TO: The Honorable Mayor and City Council

FROM: Annie Yaung, CPFO, Director of Management Services

SUBJECT: Recommendations for Adoption of Fiscal Year 2019-2020 Annual Budget

RECOMMENDATION It is recommended that the City Council:

- (1) Adopt by Resolution the City's and Successor Agency's Fiscal Year 2019-2020 Annual Budget as presented on May 28 and May 29, 2019, City Manager's recommended budget incorporated with Council's directions; and
- (2) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

The City Council conducted public budget hearings on May 28 and May 29, 2019 regarding the City's current finances, projected revenues, and financial obligations. The budget for 2019-2020 presents a spending plan that anticipates \$104.6 million in estimated operating revenues and transfers-in from all funds combined and \$110.1 million in operating, capital improvement expenditures and transfers-out. Financial matters, including the potential impact from the pension cost increases, the State mandate minimum wage requirement, staffing realignment and changes, mitigation strategies for pension and retiree medical unfunded liabilities, economic development projects, and goals and objectives associated with the City budget, were presented and discussed at the hearing.

BACKGROUND:

The Fiscal Year 2019-2020 Budget follows the Council's priorities and policy direction. The General Fund estimated revenues and transfers-in totaled \$45.2 million and appropriations and transfers-out totaled \$45.2 million. The City's restricted funds, including special revenue, internal service, enterprise, and successor agency funds, have \$65 million for expenditures and transfers-out, and \$59.6 million for revenues and transfers-in. The Successor Agency (SA) budget of \$2.4 million is for enforceable obligations and administrative costs for winding down procedures of the former redevelopment agency. The Successor Agency's budget is incorporated with the City's budget for informational purposes because the SA budget is authorized by the State Department of Finance.

The overall City budget reflects salary adjustments for Police and Fire units, the mandate state minimum wage requirement, higher pension costs, set-aside amounts for unfunded pension/retiree medical liabilities, an annual CPI adjustment for contractual services, and \$8.7 million for priority capital and infrastructure improvements. The City is currently negotiating with the remaining six bargaining units for their contracts and the budget does not reflect MOU adjustments pending for final negotiation results.

The projected impact to the City's contribution rate increases over the next five years due to CalPERS pension discount rate reductions was presented and explained to the Council. The following mitigation strategies for reducing pension and other post retirement benefits unfunded liabilities were presented to the Council and are now included in the 2019-2020 budget.

1. The City continues the CalPERS *Annual Lump Sum Prepayment* option of pre-paying the annual employer pension unfunded accrued liability (UAL) contributions in the beginning of the fiscal year and further uses the prepayment generated savings of approximately \$200,000 to pay down the City's unfunded pension liability.
2. The non-departmental activity (5102) includes a \$500,000 set-aside amount to pay down the unfunded pension liability.
3. The City's Police and Fire units are contributing no less than a total of 12 percent toward their pension costs. The City continues negotiating with other labor units for cost-sharing contributions.
4. For the retiree medical unfunded liability, the City continues a \$1 million contribution to the CalPERS CERBT trust to prefund the retiree medical unfunded liability.

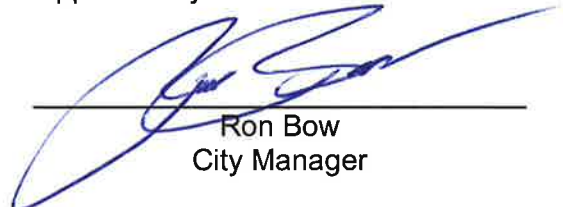
The budget document is revised for language modifications. The City continues striving to "right-size" its budget which incorporates operation efficiencies, revenue enhancements, cost reductions, functions/programs consolidation, funding solutions, and the use of one-time funds to improve its facilities and infrastructure.

The City's economy continues showing positive signs. The City continues benefiting from the Market Place development. For the fiscal year 2019-2020, City staff will continue sound fiscal responsibilities and will implement various programs and projects that significantly improve services and quality of life for the Monterey Park citizens. These efforts are consistent with the City mission statement as well as the City Council's priorities and policy direction.

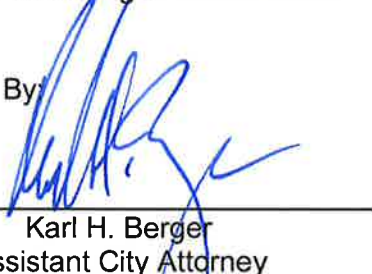
Respectfully submitted and prepared by:


Annie Yaung, CPFO
Director of Management Services

Approved By:


Ron Bow
City Manager

Reviewed By:


Karl H. Berger
Assistant City Attorney

ATTACHMENT(S):

1. Budget Adoption Resolution

Attachment 1
Budget Adoption Resolution
June 19, 2019

RESOLUTION NO.

A RESOLUTION ADOPTING THE FISCAL YEAR 2019-2020 FINAL OPERATING BUDGET FOR THE CITY OF MONTEREY PARK AND THE SUCCESSOR AGENCY TO THE MONTEREY PARK REDEVELOPMENT AGENCY; AND ADOPTING THE 2019-2020 CAPITAL IMPROVEMENT BUDGET.

The City Council for the City of Monterey Park and the City Council acting on behalf of the Successor Agency (collectively referred to, for convenience, as the "City") does resolve as follows:

SECTION 1: FINDINGS. The City Council finds and declares as follows:

- A. The City Council reviewed the proposed final Operating Budget ("Budget") for the City and Capital Improvement Plan ("CIP") for fiscal years 2019-2020;
- B. The Budget and CIP are based upon appropriate estimates and financial planning for the City's operations, services, and capital improvements;
- C. The City Council conducted public study sessions on May 28 and May 29, 2019;
- D. The City Council is fully informed regarding the City's current finances, projected revenue, and financial obligations; and
- E. It is in the public interest for the City Council to adopt the Budget and CIP as proposed by the City Manager.

SECTION 2: ADOPTION. The Budget and the Capital Improvement Plan as incorporated by reference to this Resolution are approved and adopted subject only to the authorizations set forth below. Such approval and adoption includes, without limitation, the Position Control Listing of Authorized Positions, Classification and Compensation Plans set forth in the Budget which recognizes new classifications and removes unused classifications.

SECTION 3: APPROPRIATIONS LIMIT.

- A. Article XIII B of the California Constitution requires the City to set its Appropriations Limit on an annual basis;
- B. The City's Appropriations Limit may be adjusted annually based upon inflation and population growth.
- C. The City Council may choose the method of calculating adjustments to the City's Appropriations Limit on an annual basis. For inflation, pursuant to Article XIII B, § 8(e)(2), adjustments to the Appropriations Limit may be calculated using either the percentage change in per capita personal income from the preceding year or the percentage change in the local assessment roll from the preceding year because of local nonresidential new construction. For population growth,

pursuant to Government Code § 7901(b), the City may either use the percentage growth either in its jurisdiction or from the surrounding county.

- D. Pursuant to Article XIII B of the California Constitution, and those Government Code sections adopted pursuant to Article XIII B, § 8(f), the City Council chooses to adjust the City's Appropriations Limit by calculating inflation using the California per capita personal income growth and calculating population growth by using the percentage change in population in Los Angeles County.
- E. As a result of the adjustments made to the City's Appropriations Limit, the City Council sets the Appropriations Limit for fiscal year 2019-2020 at \$91.2 million

SECTION 4: BUDGET APPROPRIATIONS. Based upon the Budget, the total General Fund operating budget, including transfers, is \$45.2 million. The Overall City Budget is \$110.1 million including Capital Improvement Projects. The City Manager, or designee, is authorized to implement the appropriations for City Departments.

SECTION 5: CIP APPROPRIATIONS. Based upon the CIP, a total of \$8.7 million is appropriated for capital improvement projects for Fiscal Year 2019-2020. The City Manager, or designee, is authorized to implement the CIP.

SECTION 6: REAPPROPRIATION. The City Manager, or designee, is authorized to reappropriate any unused appropriations for capital projects, special projects, and grant programs at the close of Fiscal Year 2019-2020 for the Budget and CIP.

SECTION 7: FUND OPERATING RESERVES. The City Manager, or designee, may appropriate any remaining revenues at the close of Fiscal Year 2019-2020 into the applicable Fund operating reserve per Governmental Accounting Standards Board (GASB) Statement No. 54.

SECTION 8: BUDGET ADJUSTMENTS. The Budget may be subsequently adjusted as follows:

- A. By majority vote of the City Council;
- B. By the City Manager, or designee, for all appropriation transfers between programs and sections within a City department and between appropriation units (e.g., salaries and benefits, services and supplies, and capital outlay) within programs;
- C. Objects code expenditures within appropriation units in a program are not restricted so long as funding is available in the appropriation unit as a whole.

SECTION 9: CONTRACTING AUTHORITY.

- A. Pursuant to Monterey Park Municipal Code ("MPMC") Chapter 3.20, the City

Manager, or designee, is authorized to bid and award contracts for the equipment, supplies, and services approved in the Budget.

- B. Pursuant to MPMC § 3.90.050(c), the City Manager or designee, is authorized to execute all contracts awarded for equipment, supplies, and services approved in the Budget.
- C. For all other services, equipment, and supplies, the City Manager or designee, is authorized to execute contracts in accordance with the MPMC.

SECTION 10: The City Clerk is directed to certify the adoption of this Resolution; record this Resolution in the book of the City's original resolutions; and make a minute of the adoption of the Resolution in the City Council's records and the minutes of this meeting.

SECTION 11: This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

PASSED, APPROVED and ADOPTED this 19th day of June, 2019.

Peter Chan
Mayor
City of Monterey Park

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:
MARK D. HENSLEY, City Attorney

By:



Karl H. Berger
Assistant City Attorney

Resolution No.

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STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF MONTEREY PARK)

I, VINCENT D. CHANG, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No. was duly and regularly adopted by the City Council of the City of Monterey Park at a meeting held on the 19th day of June 2019 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Dated this 19th day of June 2019

Vincent D. Chang, City Clerk



City Council Staff Report

DATE: June 19, 2019

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-A.

TO: The Honorable Mayor and City Council
FROM: Annie Yaung, CPFO, Director of Management Services
SUBJECT: Successor Agency Monthly Investment Report – May 2019

RECOMMENDATION: It is recommended that the City Council:

- (1) Receive and file the Monthly Investment Report; and
- (2) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

As of May 31, 2019 invested funds for the Successor Agency of the City of Monterey Park is as follows:

• Successor Agency (SA) Checking	103,318.45
• Successor Agency (SA) RORF	<u>69,190.00</u>
Total	<u>\$ 172,508.45</u>

BACKGROUND:

In accordance with the City's Investment Policy, a monthly investment report is presented to the City Council showing the types of investments, dates of maturities, amounts of deposits, rates of interest, and the current market values for securities with maturity more than 12 months.

Respectfully submitted and prepared by:

Approved by:

A handwritten signature in blue ink, appearing to read "Annie Yaung".

Annie Yaung, CPFO
Director of Management Services

A handwritten signature in blue ink, appearing to read "Ron Bow".

Ron Bow
City Manager



City Council Staff Report

DATE: June 19, 2019

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-B.

TO: The Honorable Mayor and City Council
FROM: Annie Yaung, CPFO, Director of Management Services
SUBJECT: Warrant Register for the City of Monterey Park of
June 19, 2019

RECOMMENDATION:

It is recommended that the City Council:

- (1) Approve payment of warrants and adopt a Resolution allowing certain claims and demands per Warrant Register dated **June 19, 2019 totaling \$349,337.99** specifying the funds out of which the same are to be paid; and
- (2) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

Disbursements will be made from the funds referenced in the attached Resolution in Warrants numbered **324096-324189** and ACH numbered **000574-000597**.

BACKGROUND:

The claims and demands on the attached warrant register have been duly audited. I certify that the said claims and demands are accurate, are proper charges against the City of Monterey Park. I also certify that there are monies available for the payments thereof.

FISCAL IMPACT:


Disbursements from all funds total **\$349,337.99.**

Respectfully submitted:

Approved By:



Annie Young, CPFO
Director of Management Services

 FOR RON BOW

Ron Bow
City Manager

Attachments 1: Resolution
Attachments 2: Warrant Register

ATTACHMENT 1

Resolution

RESOLUTION NO.
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MONTEREY PARK, CALIFORNIA ALLOWING CERTAIN CLAIMS AND DEMANDS
PER WARRANT REGISTER DATED
19TH OF JUNE 2019
TOTALING \$349,337.99 AND SPECIFYING THE FUNDS OUT
OF WHICH THE SAME ARE TO BE PAID

THE CITY COUNCIL OF THE CITY OF MONTEREY PARK DOES RESOLVE:

SECTION 1. That the following claims and demands have been audited and that the same are hereby allowed from various funds in the following amounts:

General Fund	\$ 125,381.59
State Gas Tax Fund	3,388.96
Bike Route Fund	(21,000.00)
Refuse Fund	6,451.20
City Shop Fund	1,295.86
Technology Internal Service Fund	4,495.00
Special Deposits Fund	5,012.35
Business Improvement Area #1	222.95
Water Fund	89,931.03
Water Treatment WQA-EPA Fund	4,259.37
Water Treatment City Fund	1,357.00
OPA Proposition A	8,688.00
POST	277.00
Home Housing Program	22,186.17
Recreation Fund	1,739.65
Asset Forfeiture-Justice	1,772.70
Construction Agency Fund	11,086.00
Air Quality Improvement Fund	5,931.00
Prop C	2,746.98
Prop A - Per Parcel Grant	42.66
Used Oil Recycling Block Grant	922.50
General Plan Review Trust	73,150.02
 TOTAL	 <u>\$ 349,337.99</u>

PASSED, APPROVED AND ADOPTED THE 19TH OF JUNE 2019.

Peter Chan, Mayor
City of Monterey Park, California

ATTEST

Vincent D. Chang, City Clerk
City of Monterey Park, California

RESOLUTION NO.
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STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY COUNCIL OF THE)
CITY OF MONTEREY PARK)

I hereby certify that the foregoing Resolution was adopted by the City Council of the City of Monterey Park at a regular meeting held on the 19th of June 2019 by the following vote of the Council:

AYES:	COUNCIL MEMBERS:
NOES:	COUNCIL MEMBERS:
ABSTAINED:	COUNCIL MEMBERS:
ABSENT:	COUNCIL MEMBERS:

Vincent D. Chang, City Clerk
City of Monterey Park, California

ATTACHMENT 2

Warrant Register

CITY OF MONTEREY PARK
FINAL WARRANT REGISTER
COUNCIL MEETING DATE 06/19/2019

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PREPAID WARRANTS

VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
ROBERTO A AGUIRRE	0010-801-6505-38400	152.21	LANGLEY COFFEE MAKER		324109	
	0010-801-6502-31150	66.00	HOLLYWOOD BOWL TICKET		324109	
	0010-801-6502-23050	63.50	RING DOOR BELL CHIME		324109	
	0010-801-6508-31990	723.06	PROMOTIONAL SUNGLASSES		324109	
	0010-801-6508-31990	100.00	TEXT MARKETING		324109	
	0178-801-6502-23050	42.66	BIOHAZARD BAGS		324109	
	0010-801-6502-23050	319.28	GLOVES, CLEANUP KIT, GOGGLE		324109	1,466.71
AT & T	0010-801-3112-32050	88.96	PHONE SERVICE		324097	
	0022-801-4206-32050	630.21	PHONE SERVICE		324097	
	0092-801-4222-32050	117.40	PHONE SERVICE		324097	836.57
	0010-801-3201-32050	49.23	PHONE SERVICE		324096	49.23
CALIFORNIA MULTI-AGENCY SUPPORT SEF	0160-801-3101-39400	570.00-	VOID CHECK		322793	570.00-
PETER CHAN	0010-801-1101-39400	300.44	ICSC RECON		324098	300.44
CHARTER COMMUNICATIONS	0010-801-3201-32050	615.94	INTERNET/CABLE SERVICE		324110	
	0092-801-4222-32050	137.27	INTERNET/CABLE SERVICE		324110	753.21
COLD DUCK PRODUCTIONS, INC.	0092-801-6508-31990	2,300.00	SUMMER CONCERT PERFORMER		324111	2,300.00
EAGLE ENGRAVING, INC.	0010-801-3201-22670	530.00	MEDAL, COMMENDATION BAR		324112	
	0010-801-3210-22670	397.69	MEDAL, COMMENDATION BAR		324112	
	0010-801-3201-22200	185.06	MEDAL, COMMENDATION BAR		324112	1,112.75
EMS PERSONNEL FUND	0010-801-3220-41100	200.00	PARAMEDIC LICENSE		324113	

CITY OF MONTEREY PARK
FINAL WARRANT REGISTER
COUNCIL MEETING DATE 06/19/2019

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PREPAID WARRANTS

VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
						200.00
GABRIEL VAZQUEZ	0010-801-6503-31150	1,252.58	AQUATICS STAFF UNIFORM		324114	1,252.58
GOLDSTREET DESIGN AGENCY, INC	0092-801-4221-32200	4,875.00	WATER QUALITY REPORT POSTAGE	19-0402	324099	
	0092-801-4221-39250	14.10	WATER QUALITY REPORT POSTAGE	19-0402	324099	4,889.10
LOUIS GORDON	0152-801-2206-38620	14,453.02	HOME REHAB-234 W GLEASON	19-0382	324100	14,453.02
KIVI HARRIS	0092-701-0092-07510	162.80	REFUND WATER PAYMENT		324115	162.80
INDEPENDENT CITIES ASSOCIATION	0166-801-1110-39300	2,746.98	ICA MEMBERSHIP		324116	2,746.98
MITCHELL ING	0010-801-1101-39400	313.44	ICSC RECON		324101	313.44
KRONOS INCORPORATED	0010-801-3201-24150	10.81	FIRE-TELESTAFF SOFTWARE		324117	
	0010-801-3201-24150	945.00	FIRE-TELESTAFF SOFTWARE		324117	
	0010-801-3201-24150	22.97	FIRE-TELESTAFF SOFTWARE		324117	
	0010-801-3201-24150	24.14	FIRE-TELESTAFF SOFTWARE		324117	1,002.92
ADAM MALOUF	0010-801-3210-22750	328.48	WIRE RACK		324102	328.48
METROPOLITAN TRANSPORTATION	0023-701-0023-05400	21,000.00-	VOID CHECK		322697	21,000.00-
MONTEREY PARK PETTY CASH	0010-801-6517-39400	55.00	PETTY CASH-PARK TRAINING		324118	
	0010-801-1403-39400	23.10	PETTY CASH-MILEAGE		324118	
	0010-801-1403-39400	26.24	PETTY CASH-MILEAGE		324118	
	0092-801-1403-39400	42.48	PETTY CASH-MILEAGE		324118	
	0010-801-1403-39400	42.48	PETTY CASH-MILEAGE		324118	

CITY OF MONTEREY PARK
FINAL WARRANT REGISTER
COUNCIL MEETING DATE 06/19/2019

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PREPAID WARRANTS

VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
MONTEREY PARK PETTY CASH	0010-801-1403-32200	6.85	PETTY CASH-POSTAGE		324118	
	0010-801-4212-21300	35.38	PETTY CASH-REFRESHMENTS		324118	
	0010-801-1403-21350	9.98	PETTY CASH-WATER		324118	
	0010-801-6517-24100	15.31	PETTY CASH-SUPPLIES		324118	
	0010-801-1403-21350	33.47	PETTY CASH-SUPPLIES		324118	
	0010-801-1407-24150	29.98	PETTY CASH-CHARGER CABLES		324118	
	0010-801-6502-31150	52.85	PETTY CASH-BOARD DECORATIONS		324118	
	0010-801-1407-39300	79.00	PETTY CASH-FINGERPRINTS		324118	
	0010-801-6506-39300	60.00	PETTY CASH-PARK SUMMIT		324118	
						512.12
MOVIE LICENSING USA	0010-801-6002-40500	2,916.00	COPYRIGHT COMPLIANCE LICENSE	19-0409	324103	
	0010-801-6002-40500	146.00	COPYRIGHT COMPLIANCE LICENSE		324103	
						3,062.00
ORLANDO MURO	0010-801-6502-31150	264.38	TRAINING REFRESHMENTS		324104	
						264.38
	0010-801-6503-31150	250.00	LIFEGUARD HATS		324119	
						250.00
MARGARET NALBANDIAN	0159-801-6507-31930	1,457.82	INSTRUCTOR-RECREATION CLASS		324105	
						1,457.82
NATIONAL BANKCARD SERVICES, INC	0010-701-0010-06940	2.40	CNG MERCHANT SERVICES FEE		324120	
	0010-701-0010-06940	2.40	CNG MERCHANT SERVICES FEE		324120	
	0010-701-0010-06940	2.00	CNG MERCHANT SERVICES FEE		324120	
						6.80
KAREN OGAWA	0075-450-0075-09010	1,842.27	CHERRY BLOSSOM REIMBURSE-TRUST		324106	
						1,842.27
PATHOMRAT NEIL KUNAWONGSE	0010-801-6508-31990	185.00	SUMMER MOVIE FLYER		324121	
						185.00
PHOENIX CIVIL ENGINEERING, INC.	0010-801-1701-31950	1,387.50	GENERAL PLAN UPDATE	19-0417	324122	

CITY OF MONTEREY PARK
FINAL WARRANT REGISTER
COUNCIL MEETING DATE 06/19/2019

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PREPAID WARRANTS

VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
						1,387.50
PITNEY BOWES POSTAGE BY PHONE	0010-801-1301-32200	0.95	POSTAGE		324123	
	0010-801-1403-32200	82.75	POSTAGE		324123	
	0010-801-1406-32200	74.00	POSTAGE		324123	
	0010-801-1701-32200	61.70	POSTAGE		324123	
	0010-801-1702-32200	18.65	POSTAGE		324123	
	0010-801-1801-32200	36.40	POSTAGE		324123	
	0010-801-1802-32200	5.65	POSTAGE		324123	
	0010-801-3101-32200	3.50	POSTAGE		324123	
	0010-801-3102-32200	63.05	POSTAGE		324123	
	0010-801-3104-32200	9.93	POSTAGE		324123	
	0010-801-3114-32200	84.60	POSTAGE		324123	
	0010-801-3120-32200	50.00	POSTAGE		324123	
	0010-801-3201-32200	5.00	POSTAGE		324123	
	0010-801-3205-32200	63.30	POSTAGE		324123	
	0010-801-3210-32200	0.50	POSTAGE		324123	
	0010-801-3220-32200	4.35	POSTAGE		324123	
	0010-801-6001-32200	29.11	POSTAGE		324123	
	0010-801-6502-32200	8.80	POSTAGE		324123	
	0043-801-4212-32200	14.70	POSTAGE		324123	
	0075-450-0075-09230	102.90	POSTAGE (TRUST)		324123	
	0092-801-1201-32200	2.30	POSTAGE		324123	
	0152-801-2206-32200	1.65	POSTAGE		324123	
						723.79
RENTOKIL NORTH AMERICA, INC	0152-801-2206-38620	2,304.00	HOME REHAB-213 E GLEASON		324107	
						2,304.00
SERGIO BALANDRAN	0010-801-6508-31950	240.69	EVENT BANNERS OVERLAY		324108	
	0010-801-6508-31950	624.88	PLAY DAYS BANNERS		324108	
						865.57

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PREPAID WARRANTS

VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
UNITED PARCEL SERVICE	0010-801-1407-32200	188.50	DELIVERY SERVICES		324124	
	0010-801-3205-32200	194.05	DELIVERY SERVICES		324124	
	0060-801-4211-32200	58.86	DELIVERY SERVICES		324124	441.41
VERIZON WIRELESS	0010-801-1201-32050	95.74	WIRELESS VOICE & DATA SERVICE		324125	
	0010-801-1101-32050	56.21	WIRELESS VOICE & DATA SERVICE		324125	
	0010-801-1408-32050	0.19	WIRELESS VOICE & DATA SERVICE		324125	
	0010-801-1701-32050	38.01	WIRELESS VOICE & DATA SERVICE		324125	
	0010-801-1702-32050	8.28	WIRELESS VOICE & DATA SERVICE		324125	
	0010-801-1703-32050	38.01	WIRELESS VOICE & DATA SERVICE		324125	
	0010-801-3112-32050	137.96	WIRELESS VOICE & DATA SERVICE		324125	
	0010-801-4202-32050	111.39	WIRELESS VOICE & DATA SERVICE		324125	
	0010-801-4209-32050	148.37	WIRELESS VOICE & DATA SERVICE		324125	
	0010-801-4210-32050	3.98	WIRELESS VOICE & DATA SERVICE		324125	
	0010-801-4212-32050	94.22	WIRELESS VOICE & DATA SERVICE		324125	
	0010-801-6517-32050	11.49	WIRELESS VOICE & DATA SERVICE		324125	
	0092-801-4221-32050	25.37	WIRELESS VOICE & DATA SERVICE		324125	
	0092-801-4222-32050	0.19	WIRELESS VOICE & DATA SERVICE		324125	769.41
JULIE MARIE VILLANUEVA	0010-801-6006-22450	30.07	PETTY CASH-PLAY DAYS SUPPLIES		324126	
	0010-801-6004-22450	38.98	PETTY CASH-CHAIR SUPPORT PADS		324126	
	0010-801-6006-22450	86.33	PETTY CASH-SUMMER READING		324126	
	0010-801-6001-33100	25.00	PETTY CASH-CALA-MW CONFERENCE		324126	
	0010-801-6001-33100	25.00	PETTY CASH-CALA-ES CONFERENCE		324126	
	0010-801-6001-33100	25.00	PETTY CASH-CALA-DB CONFERENCE		324126	230.38

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PREPAID WARRANTS

VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
TOTAL FOR PREPAID WARRANTS						24,900.68
PRINTED		24,900.68				

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PRINTED WARRANTS

VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
"CIVIC PLUS" AND "EPOWEREDSCHOOLS"	0010-801-1701-32150	40.00	CONTENT DEVELOPMENT		574 **	40.00
AEF SYSTEMS CONSULTING, INC.	0063-801-5002-99072	4,495.00	CONSULTING SERVICES FOR ERP	19-0342	575 **	4,495.00
MARK AGUILAR	0010-801-4210-23050	613.52	WINDOW FILM,KIT,STEP,STEP ON		324127	613.52
AMERICAN RED CROSS	0010-801-6503-22300	30.00	AQUATIC CPR/AED TRAINING		576 **	30.00
ARC IMAGING RESOURCE - CALIFORNIA	0092-801-4222-38400	2,584.49	ENGINEERING PRINTER RENTAL	19-0289	324128	2,584.49
ARMORCAST PRODUCTS CO.	0092-801-4225-82264	2,488.81	ROTOCAST BOXES		324129	
	0092-801-4225-82264	2,489.97	RPM COVERS		324129	4,978.78
ARROWHEAD EMBLEMS	0010-801-3101-22320	327.55	MPCP BADGES AND TABS		577 **	327.55
B W GRAPHICS	0010-801-1703-39250	353.69	AGENCY APPROVAL APPLICATION		324130	353.69
BJ PARTY SUPPLIES	0010-801-6503-31150	98.55	SWIM WRISTBANDS		324131	98.55
CALIFA GROUP	0010-801-6003-38400	520.30	CENIC BROADBAND		578 **	520.30
CALIFORNIA POLICE CHIEFS ASSOCIATION	0160-801-3101-39400	1,852.00	MEMBERSHIP		324132	1,852.00
CALIFORNIA WATER SERVICE CO.	0092-801-4222-36300	86.84	WATER SERVICE		324133	86.84
CANON FINANCIAL SERVICES, INC.	0092-801-4222-32050	692.96	COPIER MACHINE RENTAL		579 **	
	0010-801-3104-37500	1,627.04	COPIER MACHINE RENTAL		579 **	
	0010-801-3115-38400	638.43	COPIER MACHINE RENTAL		579 **	

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PRINTED WARRANTS

VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
						2,958.43
SAMMY CAO	0010-450-3101-09000	699.00	REFUND EVIDENCE MONEY		324134	699.00
CERTIFIED ACCESS SPECIALIST INSTIT	0010-801-1703-33200	150.00	MEMBERSHIP		324135	150.00
PETER CHAN	0010-801-1101-11100	80.00	MAYOR'S EXPENSES		324136	
	0043-801-1101-11100	60.00	MAYOR'S EXPENSES		324136	
	0092-801-1101-11100	60.00	MAYOR'S EXPENSES		324136	200.00
COUNTY OF LOS ANGELES	0010-801-6503-22150	1,020.00	BRANES POOL HEALTH PERMIT		324137	
	0010-801-6503-22150	1,020.00	ELDER POOL HEALTH PERMIT		324137	2,040.00
	0010-801-3111-31950	285.72	ANIMAL CONTROL SERVICE	19-0032	324138	285.72
D-PREP, LLC	0136-801-3101-33250	223.00	POST TRAINING		324139	223.00
DAILY JOURNAL CORPORATION	0010-801-4212-21200	98.82	LEGAL NOTICE		580 **	98.82
DANIEL SCOTT BUEHLER	0010-801-3104-31950	600.00	BACKGROUND INVESTIGATION	19-0319	324140	600.00
DELL MARKETING LP	0010-801-1404-24150	10,485.15	COMPUTER,MONITOR	19-0381	581 **	
	0092-801-4223-38400	6,000.00	COMPUTER,MONITOR	19-0381	581 **	
	0010-801-1701-38400	4,000.00	COMPUTER,MONITOR	19-0381	581 **	
	0010-801-1703-38400	4,000.00	COMPUTER,MONITOR	19-0381	581 **	24,485.15
DIVERSIFIED ALARM SERVICE	0010-801-6502-38400	270.00	CENTRAL MONITORING SERVICES		582 **	
	0010-801-6502-38400	135.00	CENTRAL MONITORING SERVICES		582 **	405.00

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PRINTED WARRANTS

VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
EMPIRE CLEANING SUPPLY	0010-801-6001-22150	521.11	JANITORIAL SUPPLIES-LIBRARY		324141	521.11
EWING IRRIGATION PRODUCTS, INC.	0092-801-4222-23050	241.91	IRRIGATION SUPPLIES		324142	241.91
EZEQUIEL LOPEZ VELASCO	0010-801-3113-38250	2,326.88	JAIL JANITORIAL SERVICES	19-0165	324143	2,326.88
GALLADE CHEMICAL, INC.	0092-801-4222-23300	672.97	WATER CHEMICALS		324144	
	0092-801-4222-23300	1,180.41	WATER CHEMICALS		324144	1,853.38
GOLDEN STAR TECHNOLOGY INC.	0010-850-1404-38400	1,970.64	SOFTWARE RENEWAL		583 **	1,970.64
GOLDEN STATE WATER COMPANY	0092-801-4222-36300	42.63	WATER SERVICE		324145	42.63
GOVCONNECTION INC.	0010-801-6003-38400	738.51	TONER CARTRIDGES		324146	
	0010-801-1403-22750	576.40	CONFERENCE PHONE		324146	
	0010-801-1403-22750	122.46	CONFERENCE PHONE ADAPTER		324146	
	0010-801-1403-22750	166.49	CONFERENCE WEBCAM		324146	
	0010-801-3115-38400	1,309.49	UPS REPLACEMENT		324146	2,913.35
GRAINGER	0010-801-4210-23300	123.01	SENSOR ACTIVATION KIT		324147	123.01
HAAKER EQUIPMENT COMPANY	0092-801-4223-23600	481.50	STD HOSE, CLAMPS		584 **	481.50
HACH COMPANY (AKA ELE	0092-801-4222-23700	855.81	WATER ANALYSIS SUPPLIES	19-0159	324148	
	0092-801-4222-23700	72.59	WATER ANALYSIS SUPPLIES	19-0159	324148	
	0093-801-4227-23300	590.57	WATER ANALYSIS SUPPLIES		324148	1,518.97
HARRINGTON INDUSTRIAL PLASTICS LLC	0092-801-4222-23700	173.34	ADAPTERS, COUPLINGS, BUSHINGS		585 **	

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PRINTED WARRANTS

VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
HARRINGTON INDUSTRIAL PLASTICS LLC	0092-801-4222-23700	645.54	AIR VAC & REPAIR KIT		585 **	
	0092-801-4222-23700	72.91	ELBOWS, TEES, ADAPTERS, PIPES		585 **	891.79
ILLINOIS LIBRARY ASSOCIATION	0010-801-6006-22450	1,995.36	READING PROGRAM SUPPLIES		324149	
	0010-801-6006-22450	1,500.00	READING PROGRAM SUPPLIES		324149	3,495.36
JEDA WORKS	0152-801-2206-38650	617.50	HOUSING REHAB SERVICES	19-0196	324150	
	0152-801-2206-38650	130.00	HOUSING REHAB SERVICES	19-0196	324150	
	0152-801-2206-38650	195.00	HOUSING REHAB SERVICES	19-0196	324150	
	0152-801-2206-31850	130.00	HOUSING REHAB SERVICES		324150	
	0152-801-2206-38650	1,137.50	HOUSING REHAB SERVICES	19-0196	324150	
	0152-801-2206-38650	260.00	HOUSING REHAB SERVICES	19-0196	324150	
	0152-801-2206-38650	130.00	HOUSING REHAB SERVICES	19-0196	324150	
	0152-801-2206-38650	97.50	HOUSING REHAB SERVICES	19-0196	324150	
	0152-801-2206-38650	130.00	HOUSING REHAB SERVICES	19-0196	324150	
	0152-801-2206-38650	390.00	HOUSING REHAB SERVICES	19-0196	324150	
	0152-801-2206-38650	910.00	HOUSING REHAB SERVICES	19-0196	324150	
	0152-801-2206-38650	1,300.00	HOUSING REHAB SERVICES	19-0196	324150	5,427.50
JOHN L. HUNTER & ASSOC., INC.	0043-801-4203-31950	2,232.50	NPDES PROGRAM	19-0174	586 **	
	0184-801-4208-31950	922.50	NPDES PROGRAM	19-0174	586 **	
	0010-801-3230-31950	576.25	NICE INVESTIGATIONS		586 **	
	0010-801-3230-31950	148.75	NICE INVESTIGATIONS		586 **	3,880.00
KNIGHT COMMUNICATIONS INC	0010-801-1301-38400	532.00	IT MANAGEMENT SERVICE	19-0129	324151	
	0010-801-1404-38400	507.00	IT MANAGEMENT SERVICE	19-0129	324151	
	0043-801-1404-38400	589.00	IT MANAGEMENT SERVICE	19-0129	324151	
	0092-801-1404-38400	764.00	IT MANAGEMENT SERVICE	19-0129	324151	
	0010-801-1701-38400	395.00	IT MANAGEMENT SERVICE	19-0129	324151	

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PRINTED WARRANTS

VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
KNIGHT COMMUNICATIONS INC	0010-801-1702-38400	395.00	IT MANAGEMENT SERVICE	19-0129	324151	
	0010-801-1703-38400	395.00	IT MANAGEMENT SERVICE	19-0129	324151	
	0010-801-1801-38400	783.00	IT MANAGEMENT SERVICE	19-0129	324151	
	0010-801-3115-38400	1,738.00	IT MANAGEMENT SERVICE	19-0129	324151	
	0010-801-3201-38400	954.00	IT MANAGEMENT SERVICE	19-0129	324151	
	0022-801-4202-38400	556.00	IT MANAGEMENT SERVICE	19-0129	324151	
	0092-801-4210-38400	212.00	IT MANAGEMENT SERVICE	19-0129	324151	
	0060-801-4211-38400	1,237.00	IT MANAGEMENT SERVICE	19-0129	324151	
	0043-801-4212-38400	413.00	IT MANAGEMENT SERVICE	19-0129	324151	
	0092-801-4220-38400	1,412.00	IT MANAGEMENT SERVICE	19-0129	324151	
	0010-801-6001-38400	1,087.00	IT MANAGEMENT SERVICE	19-0129	324151	
	0010-801-6502-38400	801.00	IT MANAGEMENT SERVICE	19-0129	324151	
	0093-801-4226-38400	163.00	IT MANAGEMENT SERVICE	19-0129	324151	
	0093-801-4227-38400	163.00	IT MANAGEMENT SERVICE	19-0129	324151	
	0093-801-4229-38400	163.00	IT MANAGEMENT SERVICE	19-0129	324151	
	0093-801-4230-38400	163.00	IT MANAGEMENT SERVICE	19-0129	324151	
	0093-801-4231-38400	163.00	IT MANAGEMENT SERVICE	19-0129	324151	
	0094-801-4226-38400	163.00	IT MANAGEMENT SERVICE	19-0129	324151	
	0094-801-4227-38400	163.00	IT MANAGEMENT SERVICE	19-0129	324151	
	0094-801-4229-38400	163.00	IT MANAGEMENT SERVICE	19-0129	324151	
	0094-801-4230-38400	163.00	IT MANAGEMENT SERVICE	19-0129	324151	
	0094-801-4231-38400	163.00	IT MANAGEMENT SERVICE	19-0129	324151	
						14,400.00
KNOWLES-MCNIFF	0010-801-1404-31700	5,006.00	FINANCE SOFTWARE MAINTENANCE		587 **	
	0010-801-3115-31700	599.00	FINANCE SOFTWARE MAINTENANCE		587 **	
	0010-801-3220-31700	209.00	FINANCE SOFTWARE MAINTENANCE		587 **	
	0010-801-6001-31700	803.00	FINANCE SOFTWARE MAINTENANCE		587 **	
	0043-801-1404-31700	1,571.00	FINANCE SOFTWARE MAINTENANCE		587 **	
	0092-801-1404-31700	1,964.00	FINANCE SOFTWARE MAINTENANCE		587 **	

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PRINTED WARRANTS

VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
KNOWLES-MCNIFF	0092-801-4221-31700	989.00	FINANCE SOFTWARE MAINTENANCE		587 **	
	0093-801-4226-31700	204.00	FINANCE SOFTWARE MAINTENANCE		587 **	
	0093-801-4227-31700	241.00	FINANCE SOFTWARE MAINTENANCE		587 **	
	0093-801-4229-31700	193.00	FINANCE SOFTWARE MAINTENANCE		587 **	
	0093-801-4230-31700	204.00	FINANCE SOFTWARE MAINTENANCE		587 **	
	0093-801-4231-31700	246.00	FINANCE SOFTWARE MAINTENANCE		587 **	
	0094-801-4226-31700	42.00	FINANCE SOFTWARE MAINTENANCE		587 **	
	0094-801-4227-31700	52.00	FINANCE SOFTWARE MAINTENANCE		587 **	
	0094-801-4229-31700	40.00	FINANCE SOFTWARE MAINTENANCE		587 **	
	0094-801-4230-31700	42.00	FINANCE SOFTWARE MAINTENANCE		587 **	
	0094-801-4231-31700	53.00	FINANCE SOFTWARE MAINTENANCE		587 **	
	0094-801-4232-31700	42.00	FINANCE SOFTWARE MAINTENANCE		587 **	
	0010-801-1404-31700	5,006.00	FINANCE SOFTWARE MAINTENANCE		587 **	
	0010-801-3115-31700	599.00	FINANCE SOFTWARE MAINTENANCE		587 **	
	0010-801-3220-31700	209.00	FINANCE SOFTWARE MAINTENANCE		587 **	
	0010-801-6001-31700	803.00	FINANCE SOFTWARE MAINTENANCE		587 **	
	0043-801-1404-31700	1,571.00	FINANCE SOFTWARE MAINTENANCE		587 **	
	0092-801-1404-31700	1,964.00	FINANCE SOFTWARE MAINTENANCE		587 **	
	0092-801-4221-31700	989.00	FINANCE SOFTWARE MAINTENANCE		587 **	
	0093-801-4226-31700	204.00	FINANCE SOFTWARE MAINTENANCE		587 **	
	0093-801-4227-31700	241.00	FINANCE SOFTWARE MAINTENANCE		587 **	
	0093-801-4229-31700	193.00	FINANCE SOFTWARE MAINTENANCE		587 **	
	0093-801-4230-31700	204.00	FINANCE SOFTWARE MAINTENANCE		587 **	
	0093-801-4231-31700	246.00	FINANCE SOFTWARE MAINTENANCE		587 **	
	0094-801-4226-31700	42.00	FINANCE SOFTWARE MAINTENANCE		587 **	
	0094-801-4227-31700	52.00	FINANCE SOFTWARE MAINTENANCE		587 **	
	0094-801-4229-31700	40.00	FINANCE SOFTWARE MAINTENANCE		587 **	
	0094-801-4230-31700	42.00	FINANCE SOFTWARE MAINTENANCE		587 **	
	0094-801-4231-31700	53.00	FINANCE SOFTWARE MAINTENANCE		587 **	

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PRINTED WARRANTS

VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
KNOWLES-MCNIFF	0094-801-4232-31700	42.00	FINANCE SOFTWARE MAINTENANCE		587 **	25,000.00
KOA CORPORATION	0010-801-4212-31950	2,579.70	HIGHLANDS SAFETY IMPROVEMENTS	19-0322	324152	2,579.70
L.A.COUNTY DEPT. PUBLIC WORKS	0092-801-4222-41100	1,316.00	INDUSTRIAL WASTE INSPECTION		324153	1,316.00
LAWNSCAPE SYSTEMS, INC	0092-801-4222-38500	14,410.00	LANDSCAPE, WEED ABATEMENT	19-0396	324154	14,410.00
LEHR AUTO ELECTRIC (CA CORP) STOMME	0160-850-5004-99323	490.70	MDC INSTALLATION-UNIT 151	17-0342	588 **	490.70
LIEBERT CASSIDY WHITMORE	0010-801-1601-31600	9,282.50	GENERAL SERVICES		324155	13,959.50
	0010-801-1601-31600	1,195.00	FLSA PAY AUDIT		324155	
	0010-801-1601-31600	2,332.00	EXECUTIVE COMP RESO		324155	
	0010-801-1601-31600	1,150.00	PERSONNEL RULES AUDIT		324155	
LINCOLN EQUIPMENT INC.	0010-801-6503-23050	193.81	POOL CHEMICALS	19-0049	324156	2,708.65
	0010-801-6503-23050	722.43	POOL CHEMICALS	19-0049	324156	
	0010-801-6503-22150	201.33	POOL CHEMICALS		324156	
	0010-801-6503-23050	1,484.00	POOL CHEMICALS		324156	
	0010-801-6503-22150	107.08	POLY TUBING		324156	
LOS ANGELES COUNTY DEPT. OF	0022-801-4206-41100	2,202.75	TRAFFIC SIGNALS MAINTENANCE		324157	2,202.75
MAK FIRE PROTECTION ENGINEERING & C	0010-801-3205-31950	270.00	FIRE PLAN CHECK	19-0112	324158	
	0010-801-3205-31950	100.00	FIRE PLAN CHECK	19-0112	324158	
	0010-801-3205-31950	255.00	FIRE PLAN CHECK	19-0112	324158	
	0010-801-3205-31950	2,264.81	FIRE PLAN CHECK	19-0112	324158	
	0010-801-3205-31950	270.00	FIRE PLAN CHECK	19-0112	324158	

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PRINTED WARRANTS

VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
						3,159.81
MATT CHLOR INC.	0092-801-4222-23700	696.67	WATER SUPPLIES		324159	696.67
MCMASTER-CARR SUPPLY CO.	0092-801-4222-23700	184.05	TOTE BOX		589 **	
	0092-801-4223-23300	542.37	TREADED RODS,HEX NUTS		589 **	
	0092-801-4222-23700	154.66	RAGS,MAGNET HOOKS		589 **	
	0092-801-4222-23700	142.39	OPEN TOP BAGS,FILTER BAGS		589 **	
	0092-801-4222-23700	88.18	HOSE NOZZLES,GLOVES		589 **	
						1,111.65
REBECCA MINOR	0136-801-3101-33250	18.00	POST TRAINING		324160	18.00
MISSION FENCE & PATIO BUILDERS	0092-801-4222-38200	760.00	REPAIR CHAIN LINK FENCE		324161	760.00
MOORE IACOFANO GOLTSMAN, INC.	0352-801-5002-99026	73,150.02	GENERAL PLAN UPDATE	19-0376	324162	
	0075-450-0075-08660	907.50	SENIOR HOUSING REVIEW (TRUST)	19-0009	324162	
	0075-450-0075-08660	1,959.68	SENIOR HOUSING REVIEW (TRUST)		324162	
						76,017.20
MR. ROOTER PLUMBING	0010-801-4210-38100	277.50	PLUMBING SERVICES		590 **	
	0092-801-4210-38100	277.50	PLUMBING SERVICES		590 **	
	0010-801-4210-38100	370.00	PLUMBING SERVICES		590 **	
	0010-801-4210-38100	832.50	PLUMBING SERVICES		590 **	
	0010-801-4210-38100	277.50	PLUMBING SERVICES		590 **	
						2,035.00
NATIONAL TELEPHONE MESSAGE CORP.	0010-801-3120-39700	1,644.50	POLICE PROMOTIONAL ITEMS		324163	1,644.50
LEE O NORRIS	0136-801-3101-33250	36.00	POST TRAINING		324164	36.00
OCLC, INC	0010-801-6003-31700	1,148.27	LIBRARY CATALOGING SERVICE		324165	

** Indicates an ACH-Payment transaction

CITY OF MONTEREY PARK
FINAL WARRANT REGISTER
COUNCIL MEETING DATE 06/19/2019

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PRINTED WARRANTS

VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
						1,148.27
OFFICE DEPOT INC.	0010-801-3102-21200	65.47	FILE		324166	
	0010-801-1702-21350	59.70	PAPER, TRAYS, WIPES, FASTENER		324166	
	0010-801-1704-21250	12.02	PAPER		324166	
	0092-801-4222-24150	331.46	PHONE CAR CHARGER		324166	
	0010-801-6502-21250	89.06	PAPER, SCISSOR, HIGHLIGHTERS		324166	
	0010-801-6502-21250	7.67-	INDEX CARD-CREDIT		324166	
	0010-801-1101-21350	161.03	PAPER, CUPS, REFRESHMENTS		324166	
	0092-801-4222-21250	104.67	HAND TRUCK, TAPE		324166	
	0092-801-4222-23700	525.53	CHAIRS		324166	
	0092-801-4221-22750	300.79	BATTERIES, PENS, PENCILS		324166	
	0092-801-4220-24100	46.20	PLASTIC FORK		324166	
	0092-801-4223-39250	458.63	LAMINATE POUCH, BINDER, TAPE		324166	
	0010-801-6004-22450	265.04	MARKER, TONER, THERMAL PAPER		324166	
	0010-801-6001-21350	66.83	CARD STOCK, CLASP ENVELOPES		324166	
	0010-801-6006-22450	45.39	CARD STOCK		324166	
	0010-801-6001-21350	24.19	REFRESHMENTS		324166	
						2,548.34
OFFICE SOLUTIONS	0010-801-1703-21250	153.78	PAPER		324167	
	0010-801-1704-21300	254.47	ELECTRIC PUNCH		324167	
	0010-801-1704-21300	31.10-	DATA CDS		324167	
	0010-801-1702-21250	37.84	DATA CDS, PHONE BOOK		324167	
	0010-801-1704-21250	120.34	DATA CDS, PHONE BOOK		324167	
						535.33
OFFICE SOLUTIONS BUSINESS PRODUCTS	0010-801-1702-22750	543.95	ROTARY MAGAZINE RACE		591 **	
						543.95
THE PHONE GUY	0010-801-3103-22750	230.33	VOICE/DATE CABLING		592 **	
						230.33
PYRO-COMM SYSTEMS, INC	0010-801-6001-38400	135.00	FIRE ALARM MONITORING		593 **	

** Indicates an ACH-Payment transaction

CITY OF MONTEREY PARK
FINAL WARRANT REGISTER
COUNCIL MEETING DATE 06/19/2019

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PRINTED WARRANTS

VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
						135.00
REFRIGERATION SUPPLIES DISTRIBUTOR	0010-801-4210-23700	1,049.29	PLEATED FILTERS		594 **	1,049.29
RKA CONSULTING GROUP	0161-450-4212-06910	490.00	GEOTECH-700 E POTRERO	19-0369	324168	
	0161-450-4212-06910	420.00	GEOTECH-224 N LINCOLN	19-0257	324168	
	0161-450-4212-06910	1,190.00	GEOTECH-420 N ATLANTIC	19-0254	324168	
	0161-450-4212-06910	35.00	GEOTECH-220 N ATLANTIC	19-0238	324168	
	0161-450-4212-06910	560.00	GEOTECH-420 N ATLANTIC	19-0254	324168	
	0161-450-4212-06910	70.00	GEOTECH-432 ALHAMBRA	19-0258	324168	
	0161-450-4212-06910	3,933.00	GEOTECH-818 VIA VENTI	19-0321	324168	
	0161-450-4212-06910	105.00	GEOTECH-608 MONTEREY PASS	19-0412	324168	
	0161-450-4212-06910	140.00	GEOTECH-608 MONTEREY PASS	19-0412	324168	
	0161-450-4212-06910	3,933.00	GEOTECH-608 MONTEREY PASS	19-0412	324168	
	0161-450-4212-06910	210.00	GEOTECH-608 MONTEREY PASS	19-0412	324168	
	0010-801-5004-96095	5,078.10	GEOTECH-FIRE STATION 63 SLOPE	19-0408	324168	
	0010-801-5004-96095	49.92	GEOTECH-FIRE STATION 63 SLOPE	19-0408	324168	16,214.02
S & J SUPPLY CO.	0092-801-4223-23600	1,139.01	BALL CURB VALVES		324169	
	0092-801-4223-23350	1,049.82	BRASS TEE		324169	2,188.83
SAN GABRIEL VALLEY WATER ASSOC	0092-801-4220-39300	60.00	QUARTERLY MEETING		324170	60.00
SAN GABRIEL VALLEY WATER CO.	0092-801-4222-36300	59.46	WATER SERVICES		324171	59.46
SECURITY SIGNAL DEVICES INC	0092-801-4222-31950	1,031.69	ALARM SERVICES		595 **	1,031.69
SERGIO BALANDRAN	0010-801-6508-39720	35.00	4TH OF JULY POSTER		324172	35.00

** Indicates an ACH-Payment transaction

CITY OF MONTEREY PARK
FINAL WARRANT REGISTER
COUNCIL MEETING DATE 06/19/2019

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PRINTED WARRANTS

VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
SIEMENS INDUSTRY, INC.	0010-801-4210-38400	1,275.00	HVAC REAPIR		324173	
	0092-801-4223-31950	24,163.00	BAU ENERGY SERVICE AGREEMENT		324173	25,438.00
SINO UNITED PUBLISHING	0010-801-6002-40000	29.89	BOOK(S) 2		324174	29.89
SOUTHERN CALIFORNIA GAS COMPANY	0109-801-5002-96067	2,757.00	CST MAINTENANCE FEE	19-0176	324175	
	0109-801-5002-96067	5,931.00	CST SERVICE FEE	19-0176	324175	
	0165-801-5002-96067	5,931.00	CST SERVICE FEE	19-0176	324175	14,619.00
ST. THOMAS AQUINAS SCHOOL	0075-450-0075-08110	200.00	REFUND FIREWORKS DEPOSIT-TRUST		324176	200.00
STETSON ENGINEERS, INC	0092-801-4222-31950	238.22	NPDES APP SERVICES	19-0153	324177	
	0093-801-4226-31950	57.80	NPDES APP SERVICES	19-0153	324177	296.02
SULZER ELECTRO-MECHANICAL SERVICES	0093-801-4227-23300	620.00	CONTROL FIELD REPAIR		324178	620.00
RICHARD R. TERZIAN	0010-801-3102-31950	700.00	HEARING SERVICES		324179	700.00
TOM'S CLOTHING & UNIFORMS INC	0092-801-4222-22310	25.38	UNIFORMS-T RUGGERI		324180	
	0092-801-4223-22300	186.15	UNIFORMS-J VARELA		324180	211.53
TRANSTECH	0010-801-5002-99025	420.00	COUNCIL CHAMBERS RENOVATIONS	19-0416	324181	
	0010-801-5002-99025	840.00	COUNCIL CHAMBERS RENOVATIONS	19-0416	324181	
	0010-801-5002-99025	840.00	COUNCIL CHAMBERS RENOVATIONS	19-0416	324181	
	0010-801-5002-99025	840.00	COUNCIL CHAMBERS RENOVATIONS	19-0416	324181	
	0010-801-5002-99025	1,400.00	COUNCIL CHAMBERS RENOVATIONS	19-0416	324181	
	0010-801-5002-99025	700.00	COUNCIL CHAMBERS RENOVATIONS	19-0416	324181	
	0010-801-4212-31500	700.00	COUNCIL CHAMBERS RENOVATIONS		324181	

CITY OF MONTEREY PARK
FINAL WARRANT REGISTER
COUNCIL MEETING DATE 06/19/2019
FUND SUMMARY

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FUND	DESCRIPTION	PREPAID	PRINTED	TOTAL
0010	GENERAL FUND	15,138.70	110,242.89	125,381.59
0022	STATE GAS TAX FUND	630.21	2,758.75	3,388.96
0023	BIKE ROUTE FUND	21,000.00-	0.00	21,000.00-
0043	REFUSE FUND	14.70	6,436.50	6,451.20
0060	CITY SHOP FUND	58.86	1,237.00	1,295.86
0063	TECHNOLOGY INTERNAL SERV FUND	0.00	4,495.00	4,495.00
0075	SPECIAL DEPOSITS FUND	1,945.17	3,067.18	5,012.35
0077	BUSINESS IMPROVEMENT AREA #1	0.00	222.95	222.95
0092	WATER FUND	7,676.91	82,254.12	89,931.03
0093	WATER TREATMENT WQA-EPA FUND	0.00	4,259.37	4,259.37
0094	WATER TREATMENT CITY FUND	0.00	1,357.00	1,357.00
0109	OPA PROPOSITION A	0.00	8,688.00	8,688.00
0136	POST	0.00	277.00	277.00
0152	HOME HOUSING PROGRAM	16,758.67	5,427.50	22,186.17
0159	RECREATION FUND	1,457.82	281.83	1,739.65
0160	ASSET FORFEITURE-JUSTICE	570.00-	2,342.70	1,772.70
0161	CONSTRUCTION AGENCY FUND	0.00	11,086.00	11,086.00
0165	AIR QUALITY IMPROVEMENT FUND	0.00	5,931.00	5,931.00
0166	PROPOSITION C	2,746.98	0.00	2,746.98
0178	PROP A - PER PARCEL GRANT	42.66	0.00	42.66
0184	USED OIL RECYCLING BLOCK GRANT	0.00	922.50	922.50
0352	GENERAL PLAN REVIEW TRUST	0.00	73,150.02	73,150.02
TOTAL		24,900.68	324,437.31	349,337.99

CITY OF MONTEREY PARK
FINAL WARRANT REGISTER
COUNCIL MEETING DATE 06/19/2019

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PRINTED WARRANTS

VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
						5,740.00
TT TECHNOLOGIES	0092-801-4225-82264	2,121.03	EXPANDER,JAW,PULLER,CABLE GRIP		324182	2,121.03
U S SAFETY AND SUPPLY COMPANY	0092-801-4223-23600	220.00	REPAIR DRAEGER		324183	220.00
WALTERS WHOLESALE ELECTRIC CO	0010-801-4210-23400	697.87	CAULKING GUN,SEALANT,STRIPS		324184	
	0010-801-4210-23400	329.44	DIM CONTROL		324184	1,027.31
WECK LABORATORIES INC	0092-801-4222-31950	492.00	HETEROTROPHIC PLATE COUNT		596 **	
	0092-801-4222-31950	384.00	HETEROTROPHIC PLATE COUNT		596 **	876.00
WESTERN EXTERMINATOR COMPANY	0092-801-4210-38100	1,235.50	PEST CONTROL	19-0075	324185	1,235.50
WESTERN WATER WORKS SUPPLY CO.	0092-801-4225-82264	2,373.08	GASKETS,COUPLINGS,BALL VALVE		597 **	2,373.08
WHITTIER FERTILIZER CO.	0010-801-6517-22100	38.04	FERTILIZER	19-0088	324186	
	0010-801-6517-22100	141.12	FERTILIZER	19-0088	324186	179.16
WITTMAN ENTERPRISES	0010-801-3205-31950	5,713.50	AMBULANCE BILLING SERVICES	19-0111	324187	5,713.50
YANG LAW OFFICES P C	0010-701-0010-02010	189.00	REFUND BUSINESS LICENSE FEE		324188	
	0010-701-0010-02020	4.00	REFUND STATE FEE		324188	
	0077-701-0077-02110	222.95	REFUND BID FEE		324188	415.95
ZUWEI CHEN	0159-801-6507-31940	148.33	INSTRUCTOR-RECREATION CLASS		324189	
	0159-801-6507-31940	133.50	INSTRUCTOR-RECREATION CLASS		324189	281.83

** Indicates an ACH-Payment transaction

CITY OF MONTEREY PARK
FINAL WARRANT REGISTER
COUNCIL MEETING DATE 06/19/2019

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PRINTED WARRANTS

VENDOR NAME	ACCOUNT	AMOUNT	DESCRIPTION	P.O.	CHECK #	TOTAL
TOTAL FOR REGULAR WARRANTS						324,437.31
PRINTED		248,976.44				
ACH-PAYMENTS		75,460.87				

CITY OF MONTEREY PARK
FINAL WARRANT REGISTER
COUNCIL MEETING DATE 06/19/2019

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TOTAL FOR PREPAID WARRANTS	\$24,900.68
TOTAL FOR PRINTED WARRANTS	\$248,976.44
TOTAL FOR ACH-PAYMENTS	\$75,460.87
TOTAL WARRANTS	\$349,337.99
TOTAL VOID CHECKS	2
TOTAL PREPAID CHECKS	31
TOTAL ACH-PAYMENTS PRINTED	24
TOTAL CHECKS PRINTED	63
TOTAL CHECKS ISSUED	118



City Council Staff Report

DATE: June 19, 2019

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-C.

TO: The Honorable Mayor and City Council
FROM: Joseph Leon, City Treasurer
SUBJECT: Monthly Investment Report – May 2019

RECOMMENDATION: It is recommended that the City Council:

- (1) Receive and file the monthly investment report; and
- (2) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

As of May 31, 2019 invested funds for the City of Monterey Park is \$97,043,629.88.


BACKGROUND:

In accordance with the City's Investment Policy, a monthly investment report is presented to the City Council showing the types of investments, dates of maturities, amounts of deposits, rates of interest, and the current market values for securities with maturity more than 12 months. The attached monthly investment report includes a summary investment report for the LA County Pooled Investment Fund, which displays the composition by type for the entire pooled investment fund.

Respectfully submitted by:


Joseph Leon
City Treasurer

Prepared by:


Annie Yaung, CPFO
Director of Management Services

Approved by:


Ron Bow
City Manager

**CITY OF MONTEREY PARK
INVESTMENT REPORT
AS OF MAY 31, 2019**

INVESTMENTS PORTFOLIO PROFILE:

TOTAL BALANCE AT 5/31/19 **\$ 97,043,629.88**

INVESTMENT COMPOSITION

(1) **LA COUNTY POOLED INVESTMENT FUND** ON DEMAND 2.230% **\$ 1,738,626.14**
(See Schedule A for LA County Pool Composition)

(2) **LOCAL AGENCY INVESTMENT FUND** ON DEMAND 2.450% **\$ 64,907,003.74**

(3) <u>U.S. GOVERNMENT TREASURY BILLS</u>	<u>Purchase Date</u>	<u>Maturity Date</u>	<u>Interest Rate</u>	
	11/14/18	11/07/19	2.50%	2,000,000
	05/23/19	11/21/19	2.22%	1,000,000
	11/27/18	11/07/19	2.49%	1,500,000
	11/30/18	11/07/19	2.49%	2,000,000
	12/06/18	06/06/19	2.35%	2,000,000
	12/20/18	06/20/19	2.35%	2,000,000
	12/21/18	12/05/19	2.44%	2,000,000
	12/28/18	12/05/19	2.39%	2,000,000
	12/28/18	06/27/19	2.30%	2,000,000
	01/03/19	07/05/19	2.35%	2,000,000
			2.39%	<u>\$ 18,500,000</u>

(4) <u>CERTIFICATES OF DEPOSIT</u>	<u>Purchase Date</u>	<u>Maturity Date</u>	<u>Interest Rate</u>	
PACIFIC PREMIER BANK	02/28/18	08/28/19	2.10%	245,000
PREFERRED BANK	03/03/18	09/03/19	2.00%	140,000
ROYAL BUSINESS BANK	06/23/18	06/23/19	2.20%	250,000
AFFINITY FEDERAL BANK	08/03/18	08/02/19	2.65%	245,000
AFFINITY FEDERAL CREDIT UNION	10/15/18	10/15/19	2.85%	245,000
ALLY BANK MIDVALE	10/06/17	10/05/20	1.95%	245,000
AMERICAN EXPRESS BANK	05/03/17	05/04/20	1.80%	245,000
BANK OF HOPE	05/26/17	11/26/19	1.70%	245,000
BANKUNITED NA	02/09/18	02/10/20	2.20%	245,000
BMW BK NORTH AMERICA	09/21/17	03/16/20	1.85%	238,000
BROOKLINE BANK	06/29/17	06/28/19	1.65%	245,000
CAPITAL ONE NATL BANK	10/25/17	10/26/20	2.00%	245,000
CITIBANK NATIONAL BANK	02/07/19	02/08/21	2.65%	245,000
CITIZENS COMMUNITY FED NATIONAL ASSN	03/06/19	03/06/20	2.45%	245,000
COMMERCIAL BANK	06/21/18	06/22/20	2.75%	245,000
CONGRESSIONAL BANK	03/01/19	03/02/20	2.45%	245,000
DIRECT CFED CREDIT UNION	11/22/17	11/23/20	2.00%	245,000
DISCOVER BANK	09/01/17	09/01/20	1.90%	245,000
ELGA CREDIT UNION	09/19/18	03/19/20	2.70%	245,000
EVERBANK	01/02/18	09/16/19	1.25%	245,000
FIRST FED SAVINGS & LOAN	12/22/17	12/20/19	2.05%	245,000

**CITY OF MONTEREY PARK
INVESTMENT REPORT
AS OF MAY 31, 2019**

FIRST FINAL BANK	04/10/18	10/10/19	2.25%	245,000
FIRST MERCHANTS BANK	12/30/16	06/28/19	1.50%	245,000
FIRST TECH FEDERAL CREDIT UNION	10/16/17	10/16/19	1.80%	245,000
GARRETT BANK	05/09/18	05/11/20	2.55%	245,000
GOLDMAN SACHS BANK	10/18/17	10/19/20	1.95%	245,000
GRAND RIVER BANK	11/28/17	05/28/20	1.80%	245,000
GUARANTY BANK	03/15/18	09/15/20	2.40%	245,000
IBERIABANK	05/30/18	11/30/20	2.70%	245,000
KEESLER FEDERAL CREDIT UNION	12/21/18	06/22/20	3.00%	245,000
LAKESIDE BANK CHICAGO	05/10/17	05/11/20	1.65%	245,000
MB FINANCIAL BANK	08/24/17	02/24/20	1.75%	245,000
MEMORIAL CREDIT UNION	08/15/18	08/15/19	2.60%	245,000
MIDLAND BANK	03/22/18	09/23/19	2.20%	245,000
MORGAN STANLEY	12/28/17	12/30/19	2.05%	245,000
MORGAN STANLEY BANK	11/30/17	12/02/19	1.90%	245,000
NATIONWIDE BANK	11/30/17	08/31/20	2.00%	245,000
NEW YORK COMMUNITY BANK	02/28/19	02/28/20	2.45%	245,000
POST OAK BANK	02/21/18	08/21/19	2.05%	245,000
RIA FEDERAL CREDIT UNION	10/12/18	10/11/19	2.75%	245,000
STEARNS BANK	05/31/18	05/29/20	2.70%	245,000
SYNCHRONY BK RETAIL	04/27/18	04/27/20	2.55%	245,000
THIRD FED SAVINGS & LOAN	12/21/17	12/21/20	2.10%	245,000
UNITED BANKERS BANK	05/11/18	11/12/19	2.30%	245,000
UNIVERSITY IOWA CMNTY	04/30/18	04/30/21	2.75%	245,000
VIBRANT CREDIT UNION	12/21/18	06/22/20	2.95%	245,000
WELLS FARGO BANK	02/13/19	02/16/21	2.65%	245,000
WEBBANK	05/29/19	11/30/20	2.45%	245,000
WEX BANK	06/02/17	06/02/20	1.80%	245,000

Total CDs (49)

2.219% **\$ 11,898,000.00**

OTHER INFORMATION:

BANK BALANCE: ⁽¹⁾ **\$ 3,570,681.62**

AVERAGE MATURITY DAYS 61

AVERAGE INTEREST RATE FOR THE MONTH 2.865%

THE CITY'S INVESTMENT HAS SUFFICIENT LIQUIDITY TO MEET THE CITY'S EXPENDITURE REQUIREMENTS FOR THE NEXT 180 DAYS. THE 180-DAY LIQUIDITY DISCLOSURE IS REQUIRED PER GOVERNMENT CODE 53646.

INTEREST EARNINGS FOR 1ST, 2ND, AND 3RD QUARTERS 2018-2019 (CUMULATIVE) **\$ 970,500.00**

THERE HAVE BEEN NO VARIANCES TO THE INVESTMENT POLICY.

(1) Bank balance is maintained to cover outstanding warrants, payroll checks and on-going operating costs.

POOLED SURPLUS AND SPECIFIC PURPOSE INVESTMENTS
AS OF APRIL 30, 2019

SCHEDULE A

<u>PORTFOLIO PROFILE</u>	<u>Pooled Surplus Investments</u>	<u>Specific Purpose Investments</u>
Inventory Balance at 03/31/19		
At Cost	\$ 34,878,693,167	\$ 173,876,720
At Market	\$ 34,724,182,700	\$ 170,582,142
Repurchase Agreements	\$ -	\$ -
Reverse Repurchase Agreements	\$ -	\$ -
Composition by Security Type:		
Certificates of Deposit	5.81%	14.38%
United States Government and Agency Obligations	62.97%	59.19%
Bankers Acceptances	0.00%	0.00%
Commercial Paper	30.71%	0.00%
Municipal Obligations	0.10%	2.18%
Corporate and Deposit Notes	0.41%	0.00%
Repurchase Agreements	0.00%	0.00%
Asset-Backed	0.00%	0.00%
Other	0.00%	24.25%
1-60 days	46.99%	
61 days-1 year	9.53%	58.90%
Over 1 year	43.48%	41.10%
Weighted Average Days to Maturity	476	



City Council Staff Report

DATE: June 19, 2019

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-D.

TO: The Honorable Mayor and City Council
FROM: Scott Haberle, Fire Chief
SUBJECT: Consideration and possible action to Waive second reading and adopt a Regular Ordinance amending Monterey Park Municipal Code ("MPMC") §§ 4.20.060 and 4.30.180 governing fines and the urgency abatement of public nuisances to recover costs incurred resulting from disposal of illegal fireworks and adding a new § 4.20.200 for hardship waivers as required by California law

RECOMMENDATION:

It is recommended that the City Council consider:

- 1) Waive second reading and adopt the ordinance;
- 2) Take such additional, related, action that may be desirable.

EXECUTIVE SUMMARY:

On June 5, 2019, the City Council introduced and waived first reading of an ordinance amending Monterey Park Municipal Code ("MPMC") §§ 4.20.060 and 4.30.180 governing fines and the urgency abatement of public nuisances to recover costs incurred resulting from disposal of illegal fireworks and adding a new § 4.20.200 for hardship waivers as required by California law. Second reading and adoption of this ordinance is recommended; the ordinance will become effective 30 days after adoption.

Approved by:

Respectfully submitted by:

A handwritten signature in black ink, appearing to read "Ron Bow", is written over a horizontal line.

Ron Bow
City Manager

A handwritten signature in black ink, appearing to read "Scott Haberle", is written over a horizontal line.

Scott Haberle
Fire Chief

Reviewed by:

A handwritten signature in blue ink, appearing to read "Karl H. Berger", is written over a horizontal line.

Karl H. Berger
Assistant City Attorney

ATTACHMENT(S):

1. Draft City Council Ordinance
2. City Council Staff Report, dated June 5, 2019

ATTACHMENT 1

Draft City Council Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE §§ 4.20.060 AND 4.30.180 GOVERNING FINES AND THE URGENCY ABATEMENT OF PUBLIC NUISANCES TO RECOVER COSTS INCURRED RESULTING FROM DISPOSAL OF ILLEGAL FIREWORKS; AND ADDING A NEW § 4.20.200 FOR HARDSHIP WAIVERS AS REQUIRED BY CALIFORNIA LAW.

The city council of the city of Monterey Park does ordain as follows:

SECTION 1: The City Council finds and determines as follows:

- A. Article XI, § 7 of the California Constitution empowers the City to enact and enforce ordinances regulating conditions that may be public nuisances or health hazards, or that promote social, economic, or aesthetic considerations;
- B. Government Code § 38771 authorizes the City Council to declare what constitutes a nuisance by ordinance;
- C. The City's ability to abate public nuisances through its police powers is well-established (see, e.g., Civil Code §§ 3479, 3480; *People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090; *People v. Greene* (1968) 264 Cal.App.2d 774);
- D. The City's ability to recover its nuisance abatement costs through local regulations including, without limitation, reasonable attorney's fees, is also recognized (see *City of Santa Paula v. Narula* (2003) 114 Cal.App.4th 485, *reh'g. den.* 2004; *City of Flagstaff v. Atchison, Topeka and Santa Fe Railway Co.* (9th Cir. 1983) 719 F.2d 322, 324);
- E. Illegal fireworks constitute an immediate threat to public health and safety. All such illegal fireworks are declared to be a designated public nuisance that may be abated forthwith in accordance with applicable law including, without limitation, the Monterey Park Municipal Code ("MPMC");
- F. Because disposal of such illegal fireworks frequently poses difficulties for the City – requiring destruction through the State Fire Marshal – cost recovery is imperative. The City previously experienced costly abatement procedures and litigation (e.g.,

People ex rel Mark D. Hensley v. USTL Import & Export, Inc., James Hilands and Lucy Hilands (2015) LASC Case No. BC577155 and *Bedford Freight Lines v. City of Monterey Park* (2015) LASC Case No. BC578550). It is in the public interest to avoid any similar burden because of illegal fireworks.

- G. Government Code § 53069.4 authorizes the City Council to make, by ordinance, any violation of the MPMC subject to an administrative fine or penalty; the amount of such fines are further authorized by Government Code § 36900.
- H. Government Code § 36900 was recently amended to: (1) increase the maximum fines for violations of the City's building and safety codes; (2) provide fines for each additional violation of the same ordinance within two years of the first violation; and (3) require the City to establish a process for granting a hardship waiver to reduce the amount of the fine for a second or third violation of the same ordinance or local building and safety code.
- I. The City Council wishes to enact this Ordinance to increase the fine amounts for violations of City's building and safety codes and otherwise comport with Government Code § 36900.

SECTION 2: Monterey Park Municipal Code ("MPMC") § 4.20.060 is amended to read as follows:

"4.20.060 Fines.

Fines for administrative citations issued pursuant to this chapter may be established by city council resolution. If a violation is otherwise classified as an infraction under this Code, then the administrative fine cannot exceed \$100 for a first offense; \$200 for a second offense of the same law within a 12 month period; and \$500 for a third or more offense of the same law within a 12 month period. A violation of building and safety codes that would otherwise be an infraction is punishable by: a fine not exceeding \$130 for the first violation; a fine not exceeding \$700 for a second violation of the same regulation within one year from the date of the first violation; and a fine not exceeding \$1300 for each additional violation of the same regulations within one year from the date of the first violation; or a fine not exceeding \$2500 for each additional violation of the same regulation within two years from the date of the first violation if the property is a commercial building and the violation is due to failure by the owner to remove visible refuse or prohibit unauthorized use of the property. Unless

~~otherwise provided by city council resolution, the fines are as follows:~~

~~–(a) A violation that would otherwise be an infraction is punishable by:~~

~~–(1) A fine not exceeding one hundred dollars for the first violation;~~

~~–(2) A fine not exceeding two hundred dollars for a second violation of the same ordinance or permit within one year; and~~

~~–(3) A fine not exceeding five hundred dollars for each additional violation of the same ordinance or permit within one year.~~

~~–(b) A violation of local building and safety codes that would otherwise be an infraction is punishable by:~~

~~–(1) A fine not exceeding one hundred dollars for the first violation;~~

~~–(2) A fine not exceeding five hundred dollars for a second violation of the same regulation within one year from the date of the first violation; and~~

~~–(3) A fine not exceeding one thousand dollars for each additional violation of the same regulations within one year from the date of the first violation.~~

~~–(c) All other violations are punishable by:~~

~~–(1) A fine not exceeding one hundred dollars for the first violation;~~

~~–(2) A fine not exceeding two hundred fifty dollars for a second violation of the same regulation or permit within one year from the date of the first violation;~~

~~–(3) A fine not exceeding five hundred dollars for a third violation of the same regulation or permit within one year from the date of the last violation; and~~

~~–(4) A fine not to exceed one thousand dollars for each additional violation of the same regulation or permit within one year from the date of the last violation.”~~

SECTION 3: MPMC § 4.30.180 is amended to read as follows:

“4.30.180 Urgency Abatement.

- A. Notwithstanding any other provision of this code, whenever the city manager, or designee, determines that a public nuisance exists and that such public nuisance constitutes an immediate threat or hazard or danger to persons or property, the city manager, without observing procedures set forth in this chapter with reference to public nuisance abatement, will forthwith immediately cause the abatement of such public nuisance in such manner as the city manager, or designee, determines is reasonably required.
- B. If the city manager, or designee, deems it feasible, the city manager, or designee, will attempt to give the owner and occupant, verbal notice of the existence of the public nuisance, and the proposed timing and method of abatement thereof. The city manager will, forthwith, report such circumstances to the city council.
- C. Except for abating unlawful fireworks, where abatement of a public nuisance is ordered by the city manager, the person abating such nuisance will, after completing the abatement of the public nuisance, comply with the provisions of this chapter.
- D. For abating fireworks that violate applicable law including, without limitation, §§ 5.48.130 or 9.30.010 of this code; or California Fire Code § 5614, as adopted by § 17.02.130 of this code, the Fire Chief, or designee, may recover all costs incurred because of such abatement in accordance with § 4.30.140 of this code. No additional notice is required.”

SECTION 4: A new § 4.20.200 is added to the MPMC to read as follows:

“4.20.200 Hardship waiver.

- A. Responsible persons financially unable to pay the fines for administrative citations issued pursuant to this chapter may request a hardship waiver. The request for a hardship waiver must be filed with the city clerk, or designee, on a form approved by the city manager, or designee. The city manager or designee will review the request and determine whether a waiver is justified. A waiver may only be approved if the request for waiver is accompanied by a sworn affidavit, together with any supporting documents or materials, demonstrating that the responsible person made a bona fide effort to comply after the first violation and that payment of the

full amount of the fine would impose an undue financial burden on the responsible person.

- B. The city manager, or designee, will inform the responsible person in writing regarding whether the waiver is approved. This determination must be served upon the responsible person by mail at the address provided in the waiver application. The city manager, or designee's determination is final; there is no right to appeal other than to a court of competent jurisdiction.
- C. Should the city manager or designee determine that a waiver is unjustified, the responsible person must deposit the full fine amount with the city clerk not later than 10 business days after the date of that decision. Failure to make a deposit within 10 business days after will waive the responsible person's right to any appeal and the citation costs will be deemed delinquent."

SECTION 5: *Environmental Review.* This ordinance is exempt from additional review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA regulations (14 California Code of Regulations §§ 15000, *et seq.*) because it consists only of revisions and clarifications to existing public nuisance codes and procedures related to such codes. Adoption of this ordinance will not have the effect of deleting or substantially changing any regulatory standards or required findings. This ordinance is an action being taken for enhanced protection of the environment.

SECTION 6: *Notice of Exemption.* The City Manager, or designee, is directed to file a Notice of Exemption in accordance with CEQA §§ 15062 and any other applicable law.

SECTION 7: *Construction.* This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 8: *Enforceability.* Repeal of any provision of the MPMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 9: *Validity of Previous Code Sections.* If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the MPMC or other city ordinance by this Ordinance will be rendered

void and cause such previous MPMC provision or other the city ordinance to remain in full force and effect for all purposes.

SECTION 10: *Reliance on Record.* Each and every one of the findings and determinations in this Ordinance are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 11: *Limitations.* The City Council's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the City Council's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are limitations on the City's ability to solve what are in effect regional, state, and National problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 12: *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 13: The City Clerk, or designee, is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within 15 days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 14: This Ordinance will take effect on the 30th day following its final passage and adoption.

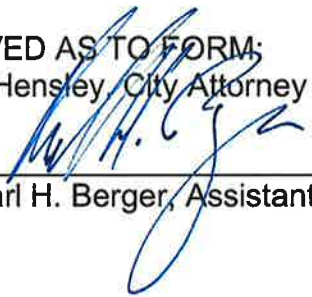
PASSED AND ADOPTED this 5th day of June 2019.

Peter Chan, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By: _____
Karl H. Berger, Assistant City Attorney

ATTACHMENT 2
City Council Staff Report, dated June 5, 2019



City Council Staff Report

DATE: June 5, 2019

AGENDA ITEM NO: New Business
Agenda Item 5-A

TO: The Honorable Mayor and City Council

FROM: Scott Haberle, Fire Chief

SUBJECT: Consideration and possible action to 1) Introduce a Regular Ordinance amending Monterey Park Municipal Code ("MPMC") §§ 4.20.060 and 4.30.180 governing fines and the urgency abatement of public nuisances to recover costs incurred resulting from disposal of illegal fireworks and adding a new § 4.20.200 for hardship waivers as required by California law; 2) adopt an Urgency Ordinance amending Monterey Park Municipal Code ("MPMC") §§ 4.20.060 and 4.30.180 governing fines and the urgency abatement of public nuisances to recover costs incurred resulting from disposal of illegal fireworks and adding a new § 4.20.200 for hardship waivers as required by California law; MPMC; and 3) adopt a Resolution adopting a fine schedule pursuant to MPMC § 4.20.060.

RECOMMENDATION:

It is recommended that the City Council consider:

- 1) Read by title only, waive further reading, and introduce an Ordinance amending the MPMC governing cost recovery and establishing fines related to illegal fireworks and building violations;
- 2) Adopt an Urgency Ordinance amending the MPMC governing cost recovery and establishing fines related to illegal fireworks and building violations;
- 3) Adopt a Resolution adopting a fine schedule pursuant to the MPMC and California law; and
- 4) Alternatively, discuss and take other action related to this item.

EXECUTIVE SUMMARY:

The draft Ordinances (regular and urgency) will amend § 4.20.200 of the MPMC to be consistent with Government Code § 25132 regarding fines for administrative citations related violations of the MPMC.

To help further protect the health and safety of the residents of the City, and to further promote the peace and tranquility of the neighborhoods, the Fire Department is

requesting that administrative citation fines related to violations of the Monterey Park Municipal Code concerning fireworks be increased, and to provide for the collection of costs regarding the transportation and destruction of confiscated fireworks.

Additionally, the proposed Ordinance will amend the MPMC regarding increased fines for building and safety code violations, consistent with state law.

BACKGROUND:

Government Code § 53069.4 authorizes the City Council to make, by ordinance, any violation of the Monterey Park Municipal Code ("MPMC") subject to an administrative fine or penalty. MPMC § 4.20.060 authorizes the City Council to establish fines for administrative citations by resolution.

In 2006, the City adopted Resolution No. 11040, which set fines for the improper use and storage of otherwise lawful "Safe and Sane" fireworks, as well as the possession of illegal firework, at \$500; the sale and discharge of illegal fireworks at \$750; and the sale of fireworks without a permit at \$1,000.

DISCUSSION:

Per the California Health & Safety Code, fireworks are categorized as either lawful "safe and sane" fireworks or unlawful "dangerous" fireworks. Chapter 5.48 of the MPMC regulates the sale, use, discharge and storage of safe and sane fireworks to promote the health and welfare of its residents, as well as prohibits the sale, use, discharge and storage of dangerous fireworks.

While all fireworks present a potential safety hazard to persons and property when used improperly, dangerous fireworks are particularly unsafe. It has been reported that in 2016, the United States experienced 11,000 fireworks-related injuries, of which 7,600 were treated in hospital emergency departments just in the weeks before and after the 4th of July (Insurance Journal, June 30, 2017).

In an effort to further encourage the proper use of safe and sane fireworks in the City, the Fire Department is requesting an increase the fine amounts for violations of Chapter 5.48 of the Monterey Park Municipal Code regarding the possession, use, and discharge of fireworks. The requested Resolution will increase the fines for all violations of Chapter 5.48 relating to fireworks to \$2,000, except for the unpermitted sale of Safe and Sane fireworks and sale illegal fireworks, which will increase to \$5,000.

Further, the proposed resolution will allow for the City to collect the fees charged by the State Fire Marshal for the transportation and destruction of fireworks confiscated pursuant to Section 5.48. Currently, the State Fire Marshal charges the City \$100 per pound of fireworks. The Fire Department seeks to pass this cost directly to those cited for violation of the MPMC fireworks ordinance.

Chapter 5.48 of the MPMC restricts the sale of safe and sane fireworks to the dates of June 28 to July 4 of each year, and the discharge of such fireworks to July 4. Because the dates are rapidly approaching, an urgency ordinance is required to ensure the proposed resolution is in effect before the sales, use, discharge and storage of lawful fireworks begins.

Additionally, the Ordinance also implement changes to California law that became effective earlier this year. Government Code § 53069.4 authorizes the City Council to make, by ordinance, any violation of the MPMC subject to an administrative fine or penalty; the maximum fine or penalty amounts are further authorized by Government Code § 36900.


Effective January 1st, Assembly Bill 2598 amended Government Code § 36900 to: (1) increase the maximum fine amounts for violations of the City's building and safety codes determined to be an infraction to \$130 for a first violation, \$700 for a second violation of the same ordinance within one year, and \$1,300 for each additional violation of the same ordinance within one year of the first violation; (2) provide a fine of \$2,500 for each additional violation of the same ordinance within two years of the first violation (if the property in question is a commercial property that has an existing building at the time of the violation and the owner has failed to remove visible refuse or to prohibit unauthorized use of the property; and (3) require that, if the City elects to levy fines pursuant to Government Code § 36900, to establish a process for granting a hardship waiver to reduce the amount of the fine for a second or third violation of the same ordinance upon a showing by the responsible party that the responsible party has made a bona fide effort to comply after the first violation and that payment of the full amount of the fine would impose an undue financial burden on the responsible party.

The proposed Ordinances would amend the MPMC to reflect the newly increased fine amounts for violations of the City's building and safety codes and adds MPMC § 4.20.200 to establish a hardship-waiver process. Nothing in the proposed Ordinances would affect any of the other available options for enforcing violations of the City's building and safety provisions; rather, these amendments would only supplement what currently exists in the MPMC to regulate and deter bad actors. The accompanying draft Resolution establishing all new fine amounts also reflects these changes.

FISCAL IMPACT:

None.

Approved by:



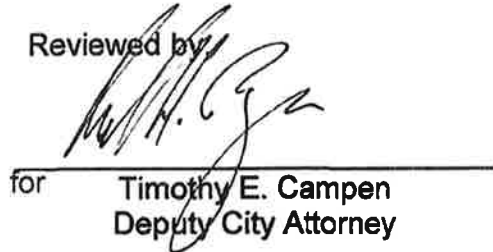
Ron Bow
City Manager

Respectfully submitted by:



Scott Haberle
Fire Chief

Reviewed by:



for Timothy E. Campen
Deputy City Attorney

ATTACHMENT(S):

1. Ordinance No. ____
2. (Urgency) Ordinance No. ____
3. Resolution No. ____
4. Notice of Administrative Citation
5. Ordinance No. 2041
6. Resolution No. 11040

ATTACHMENT 1
Ordinance No. _____

ORDINANCE NO. ____

AN ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE §§ 4.20.060 AND 4.30.180 GOVERNING FINES AND THE URGENCY ABATEMENT OF PUBLIC NUISANCES TO RECOVER COSTS INCURRED RESULTING FROM DISPOSAL OF ILLEGAL FIREWORKS; AND ADDING A NEW § 4.20.200 FOR HARDSHIP WAIVERS AS REQUIRED BY CALIFORNIA LAW.

The city council of the city of Monterey Park does ordain as follows:

SECTION 1: The City Council finds and determines as follows:

- A. Article XI, § 7 of the California Constitution empowers the City to enact and enforce ordinances regulating conditions that may be public nuisances or health hazards, or that promote social, economic, or aesthetic considerations;
- B. Government Code § 38771 authorizes the City Council to declare what constitutes a nuisance by ordinance;
- C. The City's ability to abate public nuisances through its police powers is well-established (*see, e.g., Civil Code §§ 3479, 3480; People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090; *People v. Greene* (1968) 264 Cal.App.2d 774);
- D. The City's ability to recover its nuisance abatement costs through local regulations including, without limitation, reasonable attorney's fees, is also recognized (*see City of Santa Paula v. Narula* (2003) 114 Cal.App.4th 485, *reh'g. den.* 2004; *City of Flagstaff v. Atchison, Topeka and Santa Fe Railway Co.* (9th Cir. 1983) 719 F.2d 322, 324);
- E. Illegal fireworks constitute an immediate threat to public health and safety. All such illegal fireworks are declared to be a designated public nuisance that may be abated forthwith in accordance with applicable law including, without limitation, the Monterey Park Municipal Code ("MPMC");
- F. Because disposal of such illegal fireworks frequently poses difficulties for the City – requiring destruction through the State Fire Marshal – cost recovery is imperative. The City previously experienced costly abatement procedures and litigation (e.g.,

People ex rel Mark D. Hensley v. USTL Import & Export, Inc., James Hilands and Lucy Hilands (2015) LASC Case No. BC577155 and *Bedford Freight Lines v. City of Monterey Park* (2015) LASC Case No. BC578550). It is in the public interest to avoid any similar burden because of illegal fireworks.

- G. Government Code § 53069.4 authorizes the City Council to make, by ordinance, any violation of the MPMC subject to an administrative fine or penalty; the amount of such fines are further authorized by Government Code § 36900.
- H. Government Code § 36900 was recently amended to: (1) increase the maximum fines for violations of the City's building and safety codes; (2) provide fines for each additional violation of the same ordinance within two years of the first violation; and (3) require the City to establish a process for granting a hardship waiver to reduce the amount of the fine for a second or third violation of the same ordinance or local building and safety code.
- I. The City Council wishes to enact this Ordinance to increase the fine amounts for violations of City's building and safety codes and otherwise comport with Government Code § 36900.

SECTION 2: Monterey Park Municipal Code ("MPMC") § 4.20.060 is amended to read as follows:

"4.20.060 Fines.

Fines for administrative citations issued pursuant to this chapter may be established by city council resolution. If a violation is otherwise classified as an infraction under this Code, then the administrative fine cannot exceed \$100 for a first offense; \$200 for a second offense of the same law within a 12 month period; and \$500 for a third or more offense of the same law within a 12 month period. A violation of building and safety codes that would otherwise be an infraction is punishable by: a fine not exceeding \$130 for the first violation; a fine not exceeding \$700 for a second violation of the same regulation within one year from the date of the first violation; and a fine not exceeding \$1300 for each additional violation of the same regulations within one year from the date of the first violation; or a fine not exceeding \$2500 for each additional violation of the same regulation within two years from the date of the first violation if the property is a commercial building and the violation is due to failure by the owner to remove visible refuse or prohibit unauthorized use of the property. Unless

~~otherwise provided by city council resolution, the fines are as follows:~~

~~-(a) A violation that would otherwise be an infraction is punishable by:~~

~~-(1) A fine not exceeding one hundred dollars for the first violation;~~

~~-(2) A fine not exceeding two hundred dollars for a second violation of the same ordinance or permit within one year; and~~

~~-(3) A fine not exceeding five hundred dollars for each additional violation of the same ordinance or permit within one year.~~

~~-(b) A violation of local building and safety codes that would otherwise be an infraction is punishable by:~~

~~-(1) A fine not exceeding one hundred dollars for the first violation;~~

~~-(2) A fine not exceeding five hundred dollars for a second violation of the same regulation within one year from the date of the first violation; and~~

~~-(3) A fine not exceeding one thousand dollars for each additional violation of the same regulations within one year from the date of the first violation.~~

~~-(c) All other violations are punishable by:~~

~~-(1) A fine not exceeding one hundred dollars for the first violation;~~

~~-(2) A fine not exceeding two hundred fifty dollars for a second violation of the same regulation or permit within one year from the date of the first violation;~~

~~-(3) A fine not exceeding five hundred dollars for a third violation of the same regulation or permit within one year from the date of the last violation; and~~

~~-(4) A fine not to exceed one thousand dollars for each additional violation of the same regulation or permit within one year from the date of the last violation."~~

SECTION 3: MPMC § 4.30.180 is amended to read as follows:

"4.30.180 Urgency Abatement.

- A. Notwithstanding any other provision of this code, whenever the city manager, or designee, determines that a public nuisance exists and that such public nuisance constitutes an immediate threat or hazard or danger to persons or property, the city manager, without observing procedures set forth in this chapter with reference to public nuisance abatement, will forthwith immediately cause the abatement of such public nuisance in such manner as the city manager, or designee, determines is reasonably required.
- B. If the city manager, or designee, deems it feasible, the city manager, or designee, will attempt to give the owner and occupant, verbal notice of the existence of the public nuisance, and the proposed timing and method of abatement thereof. The city manager will, forthwith, report such circumstances to the city council.
- C. Except for abating unlawful fireworks, where abatement of a public nuisance is ordered by the city manager, the person abating such nuisance will, after completing the abatement of the public nuisance, comply with the provisions of this chapter.
- D. For abating fireworks that violate applicable law including, without limitation, §§ 5.48.130 or 9.30.010 of this code; or California Fire Code § 5614, as adopted by § 17.02.130 of this code, the Fire Chief, or designee, may recover all costs incurred because of such abatement in accordance with § 4.30.140 of this code. No additional notice is required.”

SECTION 4: A new § 4.20.200 is added to the MPMC to read as follows:

“4.20.200 Hardship waiver.

- A. Responsible persons financially unable to pay the fines for administrative citations issued pursuant to this chapter may request a hardship waiver. The request for a hardship waiver must be filed with the city clerk, or designee, on a form approved by the city manager, or designee. The city manager or designee will review the request and determine whether a waiver is justified. A waiver may only be approved if the request for waiver is accompanied by a sworn affidavit, together with any supporting documents or materials, demonstrating that the responsible person made a bona fide effort to comply after the first violation and that payment of the

full amount of the fine would impose an undue financial burden on the responsible person.

- B. The city manager, or designee, will inform the responsible person in writing regarding whether the waiver is approved. This determination must be served upon the responsible person by mail at the address provided in the waiver application. The city manager, or designee's determination is final; there is no right to appeal other than to a court of competent jurisdiction.
- C. Should the city manager or designee determine that a waiver is unjustified, the responsible person must deposit the full fine amount with the city clerk not later than 10 business days after the date of that decision. Failure to make a deposit within 10 business days after will waive the responsible person's right to any appeal and the citation costs will be deemed delinquent."

SECTION 5: Environmental Review. This ordinance is exempt from additional review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA regulations (14 California Code of Regulations §§ 15000, *et seq.*) because it consists only of revisions and clarifications to existing public nuisance codes and procedures related to such codes. Adoption of this ordinance will not have the effect of deleting or substantially changing any regulatory standards or required findings. This ordinance is an action being taken for enhanced protection of the environment.

SECTION 6: Notice of Exemption. The City Manager, or designee, is directed to file a Notice of Exemption in accordance with CEQA §§ 15062 and any other applicable law.

SECTION 7: Construction. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 8: Enforceability. Repeal of any provision of the MPMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 9: Validity of Previous Code Sections. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the MPMC or other city ordinance by this Ordinance will be rendered

void and cause such previous MPMC provision or other the city ordinance to remain in full force and effect for all purposes.

SECTION 10: *Reliance on Record.* Each and every one of the findings and determinations in this Ordinance are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 11: *Limitations.* The City Council's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the City Council's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are limitations on the City's ability to solve what are in effect regional, state, and National problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 12: *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 13: The City Clerk, or designee, is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within 15 days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 14: This Ordinance will take effect on the 30th day following its final passage and adoption.

PASSED AND ADOPTED this 5th day of June 2019.

Peter Chan, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By: 

Karl H. Berger, Assistant City Attorney

ATTACHMENT 2
(Urgency) Ordinance No. ____

ORDINANCE NO. ____

AN URGENCY ORDINANCE AMENDING MONTEREY PARK MUNICIPAL CODE §§ 4.20.060 AND 4.30.180 GOVERNING FINES AND THE URGENCY ABATEMENT OF PUBLIC NUISANCES TO RECOVER COSTS INCURRED RESULTING FROM DISPOSAL OF ILLEGAL FIREWORKS; AND ADDING A NEW § 4.20.200 FOR HARDSHIP WAIVERS AS REQUIRED BY CALIFORNIA LAW.

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- B. Government Code § 38771 authorizes the City Council to declare what constitutes a nuisance by ordinance;
- C. The City's ability to abate public nuisances through its police powers is well-established (see, e.g., Civil Code §§ 3479, 3480; *People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090; *People v. Greene* (1968) 264 Cal.App.2d 774);
- D. The City's ability to recover its nuisance abatement costs through local regulations including, without limitation, reasonable attorney's fees, is also recognized (see *City of Santa Paula v. Narula* (2003) 114 Cal.App.4th 485, *reh'g. den.* 2004; *City of Flagstaff v. Atchison, Topeka and Santa Fe Railway Co.* (9th Cir. 1983) 719 F.2d 322, 324);
- E. Illegal fireworks constitute an immediate threat to public health and safety. All such illegal fireworks are declared to be a designated public nuisance that may be abated forthwith in accordance with applicable law including, without limitation, the Monterey Park Municipal Code ("MPMC");
- F. Because disposal of such illegal fireworks frequently poses difficulties for the City – requiring destruction through the State Fire Marshal – cost recovery is imperative. The City previously experienced costly abatement procedures and litigation (e.g.,

People ex rel Mark D. Hensley v. USTL Import & Export, Inc., James Hilands and Lucy Hilands (2015) LASC Case No. BC577155 and *Bedford Freight Lines v. City of Monterey Park* (2015) LASC Case No. BC578550). It is in the public interest to avoid any similar burden because of illegal fireworks.

- G. Government Code § 53069.4 authorizes the City Council to make, by ordinance, any violation of the MPMC subject to an administrative fine or penalty; the amount of such fines are further authorized by Government Code § 36900.
- H. Government Code § 36900 was recently amended to: (1) increase the maximum fines for violations of the City's building and safety codes; (2) provide fines for each additional violation of the same ordinance within two years of the first violation; and (3) require the City to establish a process for granting a hardship waiver to reduce the amount of the fine for a second or third violation of the same ordinance or local building and safety code.
- I. The City Council wishes to enact this Ordinance to increase the fine amounts for violations of City's building and safety codes and otherwise comport with Government Code § 36900.
- J. Because the changes set forth in this Ordinance are required in anticipation of the July 4th Holiday, the City Council finds that this Ordinance should be adopted on an urgency basis to preserve the public health, safety, and welfare in accordance with Government Code §§ 36934 and 36937(b).

SECTION 2: Monterey Park Municipal Code ("MPMC") § 4.20.060 is amended to read as follows:

"4.20.060 Fines.

Fines for administrative citations issued pursuant to this chapter may be established by city council resolution. If a violation is otherwise classified as an infraction under this Code, then the administrative fine cannot exceed \$100 for a first offense; \$200 for a second offense of the same law within a 12 month period; and \$500 for a third or more offense of the same law within a 12 month period. A violation of building and safety codes that would otherwise be an infraction is punishable by: a fine not exceeding \$130 for the first violation; a fine not exceeding \$700 for a second violation of the same regulation within one year from the date of the first violation;

and a fine not exceeding \$1300 for each additional violation of the same regulations within one year from the date of the first violation; or a fine not exceeding \$2500 for each additional violation of the same regulation within two years from the date of the first violation if the property is a commercial building and the violation is due to failure by the owner to remove visible refuse or prohibit unauthorized use of the property. Unless otherwise provided by city council resolution, the fines are as follows:

~~-(a) A violation that would otherwise be an infraction is punishable by:~~

~~-(1) A fine not exceeding one hundred dollars for the first violation;~~

~~-(2) A fine not exceeding two hundred dollars for a second violation of the same ordinance or permit within one year; and~~

~~-(3) A fine not exceeding five hundred dollars for each additional violation of the same ordinance or permit within one year.~~

~~-(b) A violation of local building and safety codes that would otherwise be an infraction is punishable by:~~

~~-(1) A fine not exceeding one hundred dollars for the first violation;~~

~~-(2) A fine not exceeding five hundred dollars for a second violation of the same regulation within one year from the date of the first violation; and~~

~~-(3) A fine not exceeding one thousand dollars for each additional violation of the same regulations within one year from the date of the first violation.~~

~~-(c) All other violations are punishable by:~~

~~-(1) A fine not exceeding one hundred dollars for the first violation;~~

~~-(2) A fine not exceeding two hundred fifty dollars for a second violation of the same regulation or permit within one year from the date of the first violation;~~

~~-(3) A fine not exceeding five hundred dollars for a third violation of the same regulation or permit within one year from the date of the last violation; and~~

~~-(4) A fine not to exceed one thousand dollars for each additional~~

~~violation of the same regulation or permit within one year from the date of the last violation."~~

SECTION 3: MPMC § 4.30.180 is amended to read as follows:

"4.30.180 Urgency Abatement.

- A. Notwithstanding any other provision of this code, whenever the city manager, or designee, determines that a public nuisance exists and that such public nuisance constitutes an immediate threat or hazard or danger to persons or property, the city manager, without observing procedures set forth in this chapter with reference to public nuisance abatement, will forthwith immediately cause the abatement of such public nuisance in such manner as the city manager, or designee, determines is reasonably required.
- B. If the city manager, or designee, deems it feasible, the city manager, or designee, will attempt to give the owner and occupant, verbal notice of the existence of the public nuisance, and the proposed timing and method of abatement thereof. The city manager will, forthwith, report such circumstances to the city council.
- C. Except for abating unlawful fireworks, where abatement of a public nuisance is ordered by the city manager, the person abating such nuisance will, after completing the abatement of the public nuisance, comply with the provisions of this chapter.
- D. For abating fireworks that violate applicable law including, without limitation, §§ 5.48.130 or 9.30.010 of this code; or California Fire Code § 5614, as adopted by § 17.02.130 of this code, the Fire Chief, or designee, may recover all costs incurred because of such abatement in accordance with § 4.30.140 of this code. No additional notice is required."

SECTION 4: A new § 4.20.200 is added to the MPMC to read as follows:

"4.20.200 Hardship waiver.

- A. Responsible persons financially unable to pay the fines for administrative citations issued pursuant to this chapter may request a hardship waiver. The request for a hardship waiver must be filed with the city clerk, or designee, on a form approved by the city

manager, or designee. The city manager or designee will review the request and determine whether a waiver is justified. A waiver may only be approved if the request for waiver is accompanied by a sworn affidavit, together with any supporting documents or materials, demonstrating that the responsible person made a bona fide effort to comply after the first violation and that payment of the full amount of the fine would impose an undue financial burden on the responsible person.

- B. The city manager, or designee, will inform the responsible person in writing regarding whether the waiver is approved. This determination must be served upon the responsible person by mail at the address provided in the waiver application. The city manager, or designee's determination is final; there is no right to appeal other than to a court of competent jurisdiction.
- C. Should the city manager or designee determine that a waiver is unjustified, the responsible person must deposit the full fine amount with the city clerk not later than 10 business days after the date of that decision. Failure to make a deposit within 10 business days after will waive the responsible person's right to any appeal and the citation costs will be deemed delinquent."

SECTION 5: *Environmental Review.* This ordinance is exempt from additional review under the California Environmental Quality Act (California Public Resources Code §§ 21000, *et seq.*, "CEQA") and CEQA regulations (14 California Code of Regulations §§ 15000, *et seq.*) because it consists only of revisions and clarifications to existing public nuisance codes and procedures related to such codes. Adoption of this ordinance will not have the effect of deleting or substantially changing any regulatory standards or required findings. This ordinance is an action being taken for enhanced protection of the environment.

SECTION 6: *Notice of Exemption.* The City Manager, or designee, is directed to file a Notice of Exemption in accordance with CEQA §§ 15062 and any other applicable law.

SECTION 7: *Construction.* This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council's intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 8: *Enforceability.* Repeal of any provision of the MPMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such

repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 9: *Validity of Previous Code Sections.* If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the MPMC or other city ordinance by this Ordinance will be rendered void and cause such previous MPMC provision or other the city ordinance to remain in full force and effect for all purposes.

SECTION 10: *Reliance on Record.* Each and every one of the findings and determinations in this Ordinance are based on the competent and substantial evidence, both oral and written, contained in the entire record relating to the project. The findings and determinations constitute the independent findings and determinations of the City Council in all respects and are fully and completely supported by substantial evidence in the record as a whole.

SECTION 11: *Limitations.* The City Council's analysis and evaluation of the project is based on the best information currently available. It is inevitable that in evaluating a project that absolute and perfect knowledge of all possible aspects of the project will not exist. One of the major limitations on analysis of the project is the City Council's lack of knowledge of future events. In all instances, best efforts have been made to form accurate assumptions. Somewhat related to this are limitations on the City's ability to solve what are in effect regional, state, and National problems and issues. The City must work within the political framework within which it exists and with the limitations inherent in that framework.

SECTION 12: *Severability.* If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 13: The City Clerk, or designee, is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Monterey Park's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within 15 days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 14: *Declaration of Urgency.* Based on the findings set forth in Section 1, this is an Urgency Ordinance adopted for the immediate preservation of the public peace, health, safety and welfare.

SECTION 15: *Effective Date.* This Ordinance will become effective immediately upon adoption pursuant to Government Code §§ 36937 and 65858 for the immediate

preservation of the public peace, health, safety, and welfare. Pursuant to those statutes this Ordinance is adopted by fourth-fifths vote.

PASSED AND ADOPTED this 5th day of June 2019.

Peter Chan, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By:



Karl H. Berger, Assistant City Attorney

ATTACHMENT 3
Resolution No. _____

RESOLUTION NO. _____

**A RESOLUTION ADOPTING A FINE SCHEDULE PURSUANT TO
MONTEREY PARK MUNICIPAL CODE § 4.20.060.**

The City Council of the city of Monterey Park does resolve as follows:

SECTION 1: The City Council finds and declares as follows:

- A. At its regular meeting on June 5, 2019, the City Council adopted Ordinance No. _____ which, among other things, amends Monterey Park Municipal Code ("MPMC") § 4.20.060 and certain sections of the MPMC governing illegal fireworks;
- B. In light of those changes, the City Council finds that it is desirable to adopt a resolution pursuant to MPMC § 4.20.060 to establish certain fine amounts;
- C. This Resolution is adopted pursuant to MPMC § 4.20.060 and Government Code § 53069.4(a)(1).

SECTION 2: The fine amounts (collectively, "fines") attached as Exhibit "A" to this Resolution are adopted as the City's fine schedule for purposes of imposing fines pursuant to administrative citations issued in accordance with the MPMC.

SECTION 3: *Preservation.* Repeal or amendment of any previous Code Sections does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance's effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 4: *Severability.* If any part of this Resolution or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provision or application and, to this end, the provisions of this Resolution are severable.

SECTION 5: The Mayor, or presiding officer, is authorized to sign this Resolution signifying its adoption by the City Council of the City of Monterey Park and the City Clerk, or her duly appointed deputy, may attest thereto.

SECTION 6: This Resolution will become effective immediately upon adoption and will remain effective unless repealed or superseded.

SECTION 7: The City Clerk is directed to mail a copy of this Resolution to the Applicant and to any other person requesting a copy.

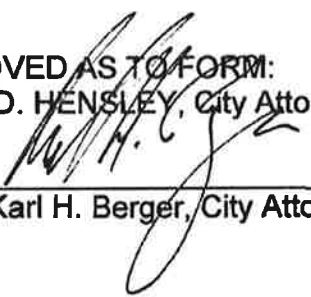
PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF
THE CITY OF MONTEREY PARK ON THIS 5th DAY OF JUNE 2019.

Peter Chan, Mayor

ATTEST:

Vincent D. Chang, City Clerk

APPROVED AS TO FORM:
MARK D. HENSLEY, City Attorney

By: 

Karl H. Berger, City Attorney

EXHIBIT A

FINE SCHEDULE FOR ADMINISTRATIVE CITATIONS

A. Administrative citations issued for the following MPMC violations will have fines imposed as specified:

MPMC	DESCRIPTION	FINE AMOUNT
Chapter 5.48	Fireworks regulations ¹	\$2000
§ 5.48.120	Untimely Storage and/or Discharge of Fireworks	\$2000
§ 5.48.030	Sale of Fireworks without a Permit	\$5000
§ 9.30.010	Prohibited Fireworks	\$2000
CFC §§ 5608.1.2 and 5608.1.3, as adopted by MPMC § 17.02.120	Fireworks display	\$2000
California Fire Code (CFC) § 5614, as adopted by MPMC § 17.02.130	Fireworks Manufacturing	\$2000

B. Subsequent violations of the MPMC listed in Section B will be punished as follows:

1. A fine not more than twice the amount of the base fine for a second violation of the same provision within one year;
2. A fine not more than three times the amount of the base fine for a second violation of the same provision within one year, not to exceed \$15000.

C. A cost recovery fee imposed pursuant to MPMC Chapter 4.40 will be collected from any person causing, permitting, aiding, abetting or suffering a violation of the Monterey Park Municipal Code that is not timely and completely corrected or abated (with all required approvals, permits, licenses, and/or inspections) after having received notification from the City to correct or abate same.

D. Pursuant to MPMC § 4.20.070, fines unpaid 30 days after a citation is issued and not successfully appealed constitute a debt to the City of Monterey Park. Such unpaid fines will accrue interest at the statutory rate (see, e.g., Civil Code § 3289) of 10% per annum.

¹ In addition to the administrative fine, a citee is liable and responsible for the payment of actual costs associated with the collection, transportation, and disposal of any seized fireworks in accordance with regulations duly adopted by the State Fire Marshal and pursuant to MPMC § 4.30.180(D).

ATTACHMENT 4
Notice of Administrative Citation



NOTICE OF ADMINISTRATIVE CITATION



MONTEREY PARK FIRE/POLICE DEPARTMENT

320 West Newmark Avenue
Monterey Park, CA 91754
Phone (626) 307-1308
Fax (626) 307-2590

Date:	Time:	File Number:
Location of Violation:		

Violator Information

First:	Middle:	Last:			
Address:	City:	Zip:			
DL/ID Number:	State:	DOB:			
SS Number:	Sex:	Hair:	Eyes:	Weight:	Race:

You are hereby informed that you are in violation of the following provisions of the Monterey Park Municipal Code, California Fire Code and/or the California Health and Safety Code and required to pay the Administrative Fines associated therewith:

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> \$2,000.00 | Fireworks Regulations (MPMC §5.48). |
| <input type="checkbox"/> \$2,000.00 | Untimely Storage and/or Discharge of Fireworks (MPMC §5.48.120) |
| <input type="checkbox"/> \$2,000.00 | Prohibited Fireworks (MPMC §9.30.010) |
| <input type="checkbox"/> \$2,000.00 | Fireworks Display (CFC§§ 5608.1.2 and 5608.1.3 as adopted by MPMC §17.02.120) |
| <input type="checkbox"/> \$2,000.00 | Fireworks Manufacturing (CFC§5614, as adopted by MPMC §17.02.130) |
| <input type="checkbox"/> \$5,000.00 | Sale of Fireworks Without a Permit (MPMC §5.48.030) |

You are hereby informed that the fireworks seized in the matter will be confiscated and destroyed in the interest of public safety.

You are hereby informed that payment of the administrative fine shall be submitted to the Support Services Division, Monterey Park City Hall, 320 West Newmark Avenue, Monterey Park, CA 91754 within 30 calendar days of the date the citation is issued, along with a copy of the citation or citation number. Failure to timely make payment will result in a civil court action or other judicial remedy to collect the fine.

In the alternative, you may request an Administrative Hearing to contest the citation by mailing or delivering a copy of the citation, completing and delivering a written request for hearing form to schedule a hearing, and submitting the full fine amount, to the **Fire Prevention Division, City of Monterey Park, 320 West Newmark Avenue, Monterey Park, CA 91754** within 30 calendar days of the date the citation is issued. Request for Hearing forms are available at the Fire Prevention counter. If the hearing officer upholds the citation, the City shall keep the fine deposit as payment upon the fine. If the decision is to cancel the citation, the City shall refund the deposit within 30 days of the decision. If you are aggrieved by the decision of the Hearing Officer, you may appeal to the Municipal Court in accordance of with the timelines set forth in California Government Code Section 53069.4.

By signing this "Notice of Administrative Citation" you are not admitting guilt to the above violation but acknowledge receipt of this Notice.

X _____
Signature of Violator

Officer/Investigator: _____ Serial Number: _____

White - Original File
Yellow - Evidence
Pink - Violator

ATTACHMENT 5
Ordinance No. 2041

ORDINANCE NO. 2041

**AN ORDINANCE OF THE CITY OF MONTEREY PARK, CALIFORNIA AMENDING
CHAPTER 5.48 TO TITLE 5 OF THE MONTEREY PARK MUNICIPAL CODE
REGARDING THE USE AND DISCHARGE OF FIREWORKS AND PROVIDING FOR
ITS ADOPTION AS AN URGENCY ORDINANCE**

WHEREAS, California Health and Safety Code section 12541 authorizes cities to regulate the sale, use and discharge of fireworks; and

WHEREAS, the City of Monterey Park (the "City") has adopted certain regulations pertaining to fireworks in Chapter 5.48 of the Monterey Park Municipal Code which generally regulates the sale of "Safe and Sane" fireworks in the City; and

WHEREAS, the City continues to face an ongoing and increasing incidence of the use of illegal fireworks and inappropriate use of "Safe and Sane" fireworks, both on public and private property in the City, which may lead to an increase in injuries to persons and damage to property; and

WHEREAS, the improper use of "Safe and Sane" fireworks and the use of illegal fireworks has increased the need for police and fire response; and

WHEREAS, the City now desires to amend its existing regulations and enact further regulations to ensure the health, safety and welfare of the City's residents.

WHEREAS, the City requires that the newly adopted regulations take effect immediately because, unless this ordinance is adopted as an urgency ordinance, there will be a current and immediate threat to the public health, safety or welfare due to potential illegal activity relating to fireworks this upcoming Fourth of July season.

**NOW, THEREFORE, CITY COUNCIL FOR THE CITY OF MONTEREY PARK
DOES HEREBY ORDAIN AS FOLLOWS:**

Section 1. Chapter 5.48 of the Monterey Park Municipal Code is hereby amended and shall now read as follows:

Chapter 5.48 – Fireworks

Sections:

5.48.010	Permitted Types of Fireworks.
5.48.020	Sale.
5.48.030	Dates of Sale.
5.48.040	Established Places of Business — Permit.
5.48.050	Established Places of Business — Regulations.
5.48.060	Temporary Stands — Permit.
5.48.070	Temporary Stands — Regulations.

- 5.48.080 Storage and Discharge of Fireworks by Consumer.**
- 5.48.090 Prohibitions on Discharge.**
- 5.48.100 Administrative Citations.**

5.48.010 Permitted and Prohibited Types of Fireworks.

The sale, use and discharge of "Safe and Sane" fireworks, as defined by California Health and Safety Code section 12529, shall be permitted in the City subject to the regulations set forth in this chapter. However, no fireworks shall be sold, offered for sale, stored, or discharged within the City which are classified as "dangerous fireworks" as that term is defined by Health and Safety Code section 12505.

5.48.020 Sale.

No person shall sell or offer for sale any fireworks within the city except:

(1) In a regularly established place of business operating under a duly issued city business license and not operated or established for the principal purpose of selling fireworks, providing a permit is first obtained from the chief of the fire department or the city council as hereinafter provided;

(2) In a temporary stand or structure used for the display and sale of fireworks operated and maintained by a recognized charitable, civic or patriotic group or organization with the permit of the city council.

5.48.030 Dates of Permissible Sale.

Notwithstanding any other provision of this chapter, no fireworks shall be sold or offered for sale within the City except for the Fourth of July celebration from noon June 28th through 11:00 p.m. on July 4th, inclusive, of each year.

5.48.040 Established Places of Business — Application and Permit.

The operator of any regularly established place of business desiring to obtain the permit referred to in Section 5.48.020(1) shall file a written application therefore with the chief of the fire department upon such form as he may prescribe, accompanied by a filing fee of thirty dollars. The chief of the fire department shall make an investigation and if he finds that the proposed sale of fireworks will not violate any provision of this code, he shall issue such permit in writing. Otherwise, he shall refuse to issue such permit. Any person aggrieved by the refusal of the chief of the fire department to issue such a permit may, within ten days after such refusal, appeal to the city council by filing written notice of appeal with the city clerk, and in such case, the city council may issue or refuse such permit. A separate permit shall be required for each location where fireworks are to be sold, and each permit shall be valid only for the year in which issued.

5.48.050 Established Places of Business — Regulations.

All regularly established places of business in which fireworks are sold or offered for sale shall be housed in the closed front type of building, or if in an open front building, the fireworks shall not be displayed or sold within twenty feet of the front of said building. No fireworks shall be sold or offered for sale in any gasoline service station, public garage, paint store, hay and grain store or other place of business listed as "hazardous business" by the National Board of Underwriters.

5.48.060 Temporary Stands — Application and Permit.

Permits for temporary stands for the display and sale of fireworks shall be issued by the Director of Management Services only in accordance with the following provisions:

(1) Such permits shall be issued only to local charitable or nonprofit civic or patriotic groups or organizations that are incorporated pursuant to state law or are chartered by a state or national organization. "Local" means having principal offices in or having conducted meetings regularly in this city for not less than three years immediately preceding the granting of said permit, and having a bona fide membership of not less than fifteen members. For purposes of this Chapter, the terms "organization" and "group" shall mean any parent, principal, or master entity.

A complete roster of an organization, including names and addresses of all members, must be submitted to the license department at the time of filing the application, or the application will not be accepted.

(2) Application for any such permits for the fourth of July celebration shall be made in writing filed with the Director of Management Services between April 1st and May 15th of the year for which the permit is requested. The application shall state the name of the applicant, its address, the location of the proposed stand, the names of the persons who will actually operate the stand on behalf of the applicant and a complete account of the proposed disposition of all gross receipts of fireworks to be sold at the proposed stand. Failure of such account to show that at least fifty percent of net profits from the sale of fireworks will be expended for the benefit of the city or its residents shall cause such application to be denied.

An applicant seeking renewal of a permit must have filed a fireworks stand financial statement form provided by the City. This form must be filed on or before October 31st of the same year as the fireworks sales for the Fourth of July celebration.

An applicant seeking renewal of a permit must also certify that at least fifty percent of the prior year's net profits from the sale of fireworks were expended for the benefit of the city or its residents. Failure to so certify shall cause such renewal application to be denied.

(3) The application shall be accompanied by a filing fee made payable to the City from the organization submitting the application in the sum of one hundred fifty dollars.

(4) No organization or group may receive more than two permits for fireworks for the Fourth of July celebration. One permit may be issued to two or more qualifying applicants as a joint venture. The intent of this requirement is to limit applicants, who otherwise qualify, to two permits as to each such parent or principal group or organization and to eliminate any one

principal or parent group or association from having permits issued to more than two associate, derivative, ancillary, subsidiary or support groups or entities.

The maximum number of permits for the Fourth of July celebration which may be issued shall be twenty-five during any one calendar year. If the number of applications exceeds the number of permits to be issued, the permittees during the preceding celebration, who did not violate any requirement of this chapter during that celebration shall have first priority for the available permits, provided each permittee represents the same participating organization which operated under the permit during the preceding celebration.

If there are any additional permits available, such additional permits shall be granted by a drawing supervised by the license officer.

(5) The Director of Management Services shall not issue any permit for a proposed stand unless it is separated from any previously authorized stand by a distance of at least five hundred feet or by a public street.

(A) If two or more qualified clubs have the same property owner's permission to use the property, preference shall be given to the organization that has used the property two of the last three years. If none of the organizations has used the property two of the last three years, preference shall be granted by a drawing supervised by the license officer.

(B) If two or more qualified clubs apply for permits on property within five hundred feet of each other and not separated by a public street, preference shall be given to the organization that has been in the area two of the last three years. If none of the organizations has been in the area two of the last three years, preference shall be granted by a drawing supervised by the license officer.

(6) No permit shall be issued unless the applicant organization represents to the Director of Management Services that all aspects of the sale of fireworks, including the application for all necessary permits, will be conducted by a member of the applicant organization. All initial permits and application fees shall be paid by the applicant organization. Such fees shall not be paid by any other affiliated organization, including a seller, distributor or vendor of fireworks. Applicant will neither hire nor use independent contractors or other persons, who are not members of the organization, in connection with any aspect of the sale of fireworks. Only members of the applicant organization shall staff the fireworks stand, except that wives, husbands, parents and children, who are eighteen years of age or older, of members may also staff such stand, subject to the provisions of this subsection. All members of the organization must have valid identification, which verifies that such person is a valid member of the organization, on their person or inside the fireworks stand during the time that they are working in that stand, or be able to show through organizational membership records available in the stand that they are valid members of that organization. Any person working in said stand, who is not a member of the organization, must be pre-identified as a family member of a valid member of the organization and must submit a proof of identification to the licensing office of the city. If two or more organizations apply for and receive a joint permit, the fireworks stand shall be staffed by a pro rata share of members or authorized family members from each organization based on the number of members in the respective organizations. If the organization violates any

of the provisions of this subsection, the Director of Management Services may revoke such permit or may refuse to renew such permit in subsequent years.

(7) The permit shall specify and the applicant shall agree that all advertising used in connection therewith shall be subject to the control and regulation of the city manager. No club is to solicit customers or pass out literature in front of another club's stand. Advertising literature can only be used in front or be dispensed from the stand of the club offering the advertising material. This is not intended to prohibit newspaper advertising.

(8) Any such permit issued by the Director of Management Services may contain any reasonable conditions and restrictions. This includes, but is not limited to, the requirement that fireworks vendors shall provide public safety notices to patrons, such as specific notices of warning regarding the fines included in this ordinance as cited in 5.48.100.

(9) The use of sound amplification equipment shall not be permitted.

(10) No application will be approved until the applicant has submitted proof of a lease or other authorization from the owner or person in lawful possession of the entire lot or parcel upon which the fireworks stand is to be located. Such lease or authorization shall certify that the lot is owned in fee by the lessor or has been in the lawful possession of the lessor for at least six months prior to the application, that the lessor may enter upon and evict the lessee upon notice from the city that the lessee is in violation of any requirement of this chapter, that the city may enter upon any part of the premises for purposes of enforcing any requirement of this chapter and that no go-betweens or middle-men exist between such lessor and lessee.

5.48.070 Temporary Stands — Regulations.

All temporary stands for the display and sale of fireworks shall be located, maintained and operated subject to the following provisions:

(1) Any person operating any such stand shall abide by and comply with all matters set forth in the application for permit to operate the same and all conditions and restrictions imposed by the Director of Management Services in granting the permit.

(2) Prior to the erection of any such stand, the permittee shall post with the city two hundred dollars to be forfeited to the city in the event the permittee shall not remove the stand equipment and all rubbish from the premises upon which the stand is located to the satisfaction of the chief of the fire department before midnight July 11th of the year in which such permit is granted for the Fourth of July; and if such stand, equipment and rubbish are so removed within said period of time, and all other requirements of this chapter have been complied with, the cash or bond shall be returned to the permittee.

Request for refund of deposit must be made in writing by an authorized representative of the group or organization holding the permit.

(3) Prior to the erection of any such stand, the permittee shall procure public liability and property damage insurance covering its operation in and about the stand and premises in a minimum amount of one hundred thousand dollars for death or injury of one person, two

hundred fifty thousand dollars for two or more persons and fifty thousand dollars property damage, and shall file a certificate of such insurance with the license officer.

(4) No such stand shall be erected within one hundred feet of any operating gasoline service station or garage unless separated by a public street or within twenty-five feet of any other building.

(5) There shall be maintained in each premises or stand within which fireworks are sold or offered for sale two fire extinguishers of at least two and one-half gallons pressurized water capacity in good order and condition and of a type approved by the chief of the fire department. "No smoking" signs must be prominently displayed on the premises.

(6) No person shall light or cause or permit to be lighted any firecracker, fireworks or other combustible article within any such stand or within twenty-five feet thereof.

(7) Any electrical installation must be made by a state licensed electrical contractor or by an authorized representative of the group or organization in accordance with the city's electrical code, and a city electrical permit must be applied for the Fourth of July celebration on or before June 15th immediately preceding the operation of the stand; no fee shall be required for permits required by this section.

(8) Storage of "Safe and Sane" fireworks for the purpose of setting up sales booths shall be permitted beginning at 12:00 noon on June 27th of each calendar year.

(9) The city shall have the right to inspect the books and records of an applicant or permittee to determine whether it has complied with this chapter.

5.48.080 Storage and Discharge of Fireworks by Consumer.

(1) Storage of "Safe and Sane" fireworks by consumers shall be permitted within the City during the period beginning at noon on the 28th day of June and ending by 9:00 p.m. on the 4th of July of each calendar year.

(2) Discharge of "Safe and Sane" fireworks by consumers is permitted in the City during the period beginning at 8:00 a.m. on July 4th and ending at 11:00 p.m. on July 4th of each calendar year. Discharge of fireworks before or after this period is prohibited.

5.48.090 Prohibitions on Discharge.

(1) In accordance with state law, it is unlawful for any person to do any of the following:

(A) Ignite, explode, project, or otherwise fire or make use of any fireworks that are not of the "Safe and Sane" variety, as defined by California Health and Safety Code section 12529.

(B) Ignite, explode, project, or otherwise fire or make use of any "Safe and Sane" fireworks within ten feet of any residence, dwelling, or other structure. It is also unlawful

for any person to ignite, explode, project, or otherwise fire or make use of any "Safe and Sane" fireworks anywhere outside a residential zone, in any public park or in any public area, unless permitted in accordance with California Health and Safety Code sections 12640-12650.

(C) Possess, store, or to permit the storage of, any fireworks that are not of the "Safe and Sane" variety, in the City of Monterey Park.

(2) It is unlawful for any property owner residing in the City, or a tenant resident in the City, to knowingly permit another individual to violate any provision of subsection (1) of this Section 5.48.090.

5.48.100 Administrative Citations.

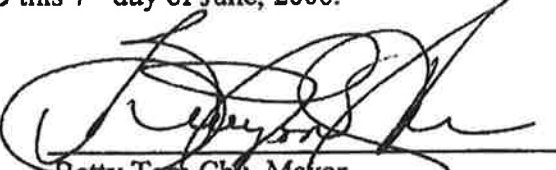
In addition to any other penalties provided by law, any person who commits a violation of Section 5.48.090 of this Chapter shall be subject to an Administrative Citation as set forth by City Council Resolution, which may be amended from time to time.

Section 2. Severability. If any section, subsection, subdivision, sentence, clause, phrase or portion of this ordinance, or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance or its application to other persons or places. The people of the City of Monterey Park hereby declare that they would have adopted this ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions or the application thereof to any person or place be declared invalid or unconstitutional.

Section 3. That a copy of the document referenced in this Ordinance is on file and is open for inspection by the public in the office of the City Clerk of the City of Monterey Park.

Section 4. This Ordinance is adopted pursuant to the provisions of Sections 36934 and 36937 of the California Government Code and shall take effect immediately upon its adoption. Within 15 days after its passage, the City Clerk shall cause it to be published in a newspaper of general circulation.

INTRODUCED, APPROVED AND ADOPTED this 7th day of June, 2006.


Betty Tom Chiu, Mayor
City of Monterey Park, California

ATTEST:


David M. Barron, CMC, City Clerk
City of Monterey Park, California

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF MONTEREY PARK)

I, DAVID M. BARRON, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Ordinance No. 2041 was regularly introduced, passed, approved and adopted at a regular meeting of the City Council on the 7th day of June, 2006, by the following vote:

AYES:	COUNCIL MEMBERS: VENTI, ENG, MARTINEZ, LAU, CHU
NOES:	COUNCIL MEMBERS: NONE
ABSENT:	COUNCIL MEMBERS: NONE
ABSTAIN:	COUNCIL MEMBERS: NONE

Dated this 7th day of June, 2006.


David M. Barron, CMC, City Clerk
City of Monterey Park, California

ORDINANCE NO. 2041

AN ORDINANCE OF THE CITY OF MONTEREY PARK, CALIFORNIA AMENDING CHAPTER 5.48 TO TITLE 5 OF THE MONTEREY PARK MUNICIPAL CODE REGARDING THE USE AND DISCHARGE OF FIREWORKS AND PROVIDING FOR ITS ADOPTION AS AN URGENCY ORDINANCE

WHEREAS, California Health and Safety Code section 12541 authorizes cities to regulate the sale, use and discharge of fireworks; and

WHEREAS, the City of Monterey Park (the "City") has adopted certain regulations pertaining to fireworks in Chapter 5.48 of the Monterey Park Municipal Code which generally regulates the sale of "Safe and Sane" fireworks in the City; and

WHEREAS, the City continues to face an ongoing and increasing incidence of the use of illegal fireworks and inappropriate use of "Safe and Sane" fireworks, both on public and private property in the City, which may lead to an increase in injuries to persons and damage to property; and

WHEREAS, the improper use of "Safe and Sane" fireworks and the use of illegal fireworks has increased the need for police and fire response; and

WHEREAS, the City now desires to amend its existing regulations and enact further regulations to ensure the health, safety and welfare of the City's residents.

WHEREAS, the City requires that the newly adopted regulations take effect immediately because, unless this ordinance is adopted as an urgency ordinance, there will be a current and immediate threat to the public health, safety or welfare due to potential illegal activity relating to fireworks this upcoming Fourth of July season.

**NOW, THEREFORE, CITY COUNCIL FOR THE CITY OF MONTEREY PARK
DOES HEREBY ORDAIN AS FOLLOWS:**

Section 1. Chapter 5.48 of the Monterey Park Municipal Code is hereby amended and shall now read as follows:

Chapter 5.48 – Fireworks

Sections:

5.48.010	Permitted Types of Fireworks.
5.48.020	Sale.
5.48.030	Dates of Sale.
5.48.040	Established Places of Business — Permit.
5.48.050	Established Places of Business — Regulations.
5.48.060	Temporary Stands — Permit.
5.48.070	Temporary Stands — Regulations.

- 5.48.080 Storage and Discharge of Fireworks by Consumer.**
- 5.48.090 Prohibitions on Discharge.**
- 5.48.100 Administrative Citations.**

5.48.010 Permitted and Prohibited Types of Fireworks.

The sale, use and discharge of "Safe and Sane" fireworks, as defined by California Health and Safety Code section 12529, shall be permitted in the City subject to the regulations set forth in this chapter. However, no fireworks shall be sold, offered for sale, stored, or discharged within the City which are classified as "dangerous fireworks" as that term is defined by Health and Safety Code section 12505.

5.48.020 Sale.

No person shall sell or offer for sale any fireworks within the city except:

(1) In a regularly established place of business operating under a duly issued city business license and not operated or established for the principal purpose of selling fireworks, providing a permit is first obtained from the chief of the fire department or the city council as hereinafter provided;

(2) In a temporary stand or structure used for the display and sale of fireworks operated and maintained by a recognized charitable, civic or patriotic group or organization with the permit of the city council.

5.48.030 Dates of Permissible Sale.

Notwithstanding any other provision of this chapter, no fireworks shall be sold or offered for sale within the City except for the Fourth of July celebration from noon June 28th through 11:00 p.m. on July 4th, inclusive, of each year.

5.48.040 Established Places of Business — Application and Permit.

The operator of any regularly established place of business desiring to obtain the permit referred to in Section 5.48.020(1) shall file a written application therefore with the chief of the fire department upon such form as he may prescribe, accompanied by a filing fee of thirty dollars. The chief of the fire department shall make an investigation and if he finds that the proposed sale of fireworks will not violate any provision of this code, he shall issue such permit in writing. Otherwise, he shall refuse to issue such permit. Any person aggrieved by the refusal of the chief of the fire department to issue such a permit may, within ten days after such refusal, appeal to the city council by filing written notice of appeal with the city clerk, and in such case, the city council may issue or refuse such permit. A separate permit shall be required for each location where fireworks are to be sold, and each permit shall be valid only for the year in which issued.

5.48.050 Established Places of Business — Regulations.

All regularly established places of business in which fireworks are sold or offered for sale shall be housed in the closed front type of building, or if in an open front building, the fireworks shall not be displayed or sold within twenty feet of the front of said building. No fireworks shall be sold or offered for sale in any gasoline service station, public garage, paint store, hay and grain store or other place of business listed as "hazardous business" by the National Board of Underwriters.

5.48.060 Temporary Stands — Application and Permit.

Permits for temporary stands for the display and sale of fireworks shall be issued by the Director of Management Services only in accordance with the following provisions:

(1) Such permits shall be issued only to local charitable or nonprofit civic or patriotic groups or organizations that are incorporated pursuant to state law or are chartered by a state or national organization. "Local" means having principal offices in or having conducted meetings regularly in this city for not less than three years immediately preceding the granting of said permit, and having a bona fide membership of not less than fifteen members. For purposes of this Chapter, the terms "organization" and "group" shall mean any parent, principal, or master entity.

A complete roster of an organization, including names and addresses of all members, must be submitted to the license department at the time of filing the application, or the application will not be accepted.

(2) Application for any such permits for the fourth of July celebration shall be made in writing filed with the Director of Management Services between April 1st and May 15th of the year for which the permit is requested. The application shall state the name of the applicant, its address, the location of the proposed stand, the names of the persons who will actually operate the stand on behalf of the applicant and a complete account of the proposed disposition of all gross receipts of fireworks to be sold at the proposed stand. Failure of such account to show that at least fifty percent of net profits from the sale of fireworks will be expended for the benefit of the city or its residents shall cause such application to be denied.

An applicant seeking renewal of a permit must have filed a fireworks stand financial statement form provided by the City. This form must be filed on or before October 31st of the same year as the fireworks sales for the Fourth of July celebration.

An applicant seeking renewal of a permit must also certify that at least fifty percent of the prior year's net profits from the sale of fireworks were expended for the benefit of the city or its residents. Failure to so certify shall cause such renewal application to be denied.

(3) The application shall be accompanied by a filing fee made payable to the City from the organization submitting the application in the sum of one hundred fifty dollars.

(4) No organization or group may receive more than two permits for fireworks for the Fourth of July celebration. One permit may be issued to two or more qualifying applicants as a joint venture. The intent of this requirement is to limit applicants, who otherwise qualify, to two permits as to each such parent or principal group or organization and to eliminate any one

principal or parent group or association from having permits issued to more than two associate, derivative, ancillary, subsidiary or support groups or entities.

The maximum number of permits for the Fourth of July celebration which may be issued shall be twenty-five during any one calendar year. If the number of applications exceeds the number of permits to be issued, the permittees during the preceding celebration, who did not violate any requirement of this chapter during that celebration shall have first priority for the available permits, provided each permittee represents the same participating organization which operated under the permit during the preceding celebration.

If there are any additional permits available, such additional permits shall be granted by a drawing supervised by the license officer.

(5) The Director of Management Services shall not issue any permit for a proposed stand unless it is separated from any previously authorized stand by a distance of at least five hundred feet or by a public street.

(A) If two or more qualified clubs have the same property owner's permission to use the property, preference shall be given to the organization that has used the property two of the last three years. If none of the organizations has used the property two of the last three years, preference shall be granted by a drawing supervised by the license officer.

(B) If two or more qualified clubs apply for permits on property within five hundred feet of each other and not separated by a public street, preference shall be given to the organization that has been in the area two of the last three years. If none of the organizations has been in the area two of the last three years, preference shall be granted by a drawing supervised by the license officer.

(6) No permit shall be issued unless the applicant organization represents to the Director of Management Services that all aspects of the sale of fireworks, including the application for all necessary permits, will be conducted by a member of the applicant organization. All initial permits and application fees shall be paid by the applicant organization. Such fees shall not be paid by any other affiliated organization, including a seller, distributor or vendor of fireworks. Applicant will neither hire nor use independent contractors or other persons, who are not members of the organization, in connection with any aspect of the sale of fireworks. Only members of the applicant organization shall staff the fireworks stand, except that wives, husbands, parents and children, who are eighteen years of age or older, of members may also staff such stand, subject to the provisions of this subsection. All members of the organization must have valid identification, which verifies that such person is a valid member of the organization, on their person or inside the fireworks stand during the time that they are working in that stand, or be able to show through organizational membership records available in the stand that they are valid members of that organization. Any person working in said stand, who is not a member of the organization, must be pre-identified as a family member of a valid member of the organization and must submit a proof of identification to the licensing office of the city. If two or more organizations apply for and receive a joint permit, the fireworks stand shall be staffed by a pro rata share of members or authorized family members from each organization based on the number of members in the respective organizations. If the organization violates any

of the provisions of this subsection, the Director of Management Services may revoke such permit or may refuse to renew such permit in subsequent years.

(7) The permit shall specify and the applicant shall agree that all advertising used in connection therewith shall be subject to the control and regulation of the city manager. No club is to solicit customers or pass out literature in front of another club's stand. Advertising literature can only be used in front or be dispensed from the stand of the club offering the advertising material. This is not intended to prohibit newspaper advertising.

(8) Any such permit issued by the Director of Management Services may contain any reasonable conditions and restrictions. This includes, but is not limited to, the requirement that fireworks vendors shall provide public safety notices to patrons, such as specific notices of warning regarding the fines included in this ordinance as cited in 5.48.100.

(9) The use of sound amplification equipment shall not be permitted.

(10) No application will be approved until the applicant has submitted proof of a lease or other authorization from the owner or person in lawful possession of the entire lot or parcel upon which the fireworks stand is to be located. Such lease or authorization shall certify that the lot is owned in fee by the lessor or has been in the lawful possession of the lessor for at least six months prior to the application, that the lessor may enter upon and evict the lessee upon notice from the city that the lessee is in violation of any requirement of this chapter, that the city may enter upon any part of the premises for purposes of enforcing any requirement of this chapter and that no go-betweens or middle-men exist between such lessor and lessee.

5.48.070 Temporary Stands — Regulations.

All temporary stands for the display and sale of fireworks shall be located, maintained and operated subject to the following provisions:

(1) Any person operating any such stand shall abide by and comply with all matters set forth in the application for permit to operate the same and all conditions and restrictions imposed by the Director of Management Services in granting the permit.

(2) Prior to the erection of any such stand, the permittee shall post with the city two hundred dollars to be forfeited to the city in the event the permittee shall not remove the stand equipment and all rubbish from the premises upon which the stand is located to the satisfaction of the chief of the fire department before midnight July 11th of the year in which such permit is granted for the Fourth of July; and if such stand, equipment and rubbish are so removed within said period of time, and all other requirements of this chapter have been complied with, the cash or bond shall be returned to the permittee.

Request for refund of deposit must be made in writing by an authorized representative of the group or organization holding the permit.

(3) Prior to the erection of any such stand, the permittee shall procure public liability and property damage insurance covering its operation in and about the stand and premises in a minimum amount of one hundred thousand dollars for death or injury of one person, two

hundred fifty thousand dollars for two or more persons and fifty thousand dollars property damage, and shall file a certificate of such insurance with the license officer.

(4) No such stand shall be erected within one hundred feet of any operating gasoline service station or garage unless separated by a public street or within twenty-five feet of any other building.

(5) There shall be maintained in each premises or stand within which fireworks are sold or offered for sale two fire extinguishers of at least two and one-half gallons pressurized water capacity in good order and condition and of a type approved by the chief of the fire department. "No smoking" signs must be prominently displayed on the premises.

(6) No person shall light or cause or permit to be lighted any firecracker, fireworks or other combustible article within any such stand or within twenty-five feet thereof.

(7) Any electrical installation must be made by a state licensed electrical contractor or by an authorized representative of the group or organization in accordance with the city's electrical code, and a city electrical permit must be applied for the Fourth of July celebration on or before June 15th immediately preceding the operation of the stand; no fee shall be required for permits required by this section.

(8) Storage of "Safe and Sane" fireworks for the purpose of setting up sales booths shall be permitted beginning at 12:00 noon on June 27th of each calendar year.

(9) The city shall have the right to inspect the books and records of an applicant or permittee to determine whether it has complied with this chapter.

5.48.080 Storage and Discharge of Fireworks by Consumer.

(1) Storage of "Safe and Sane" fireworks by consumers shall be permitted within the City during the period beginning at noon on the 28th day of June and ending by 9:00 p.m. on the 4th of July of each calendar year.

(2) Discharge of "Safe and Sane" fireworks by consumers is permitted in the City during the period beginning at 8:00 a.m. on July 4th and ending at 11:00 p.m. on July 4th of each calendar year. Discharge of fireworks before or after this period is prohibited.

5.48.090 Prohibitions on Discharge.

(1) In accordance with state law, it is unlawful for any person to do any of the following:

(A) Ignite, explode, project, or otherwise fire or make use of any fireworks that are not of the "Safe and Sane" variety, as defined by California Health and Safety Code section 12529.

(B) Ignite, explode, project, or otherwise fire or make use of any "Safe and Sane" fireworks within ten feet of any residence, dwelling, or other structure. It is also unlawful

for any person to ignite, explode, project, or otherwise fire or make use of any "Safe and Sane" fireworks anywhere outside a residential zone, in any public park or in any public area, unless permitted in accordance with California Health and Safety Code sections 12640-12650.

(C) Possess, store, or to permit the storage of, any fireworks that are not of the "Safe and Sane" variety, in the City of Monterey Park.

(2) It is unlawful for any property owner residing in the City, or a tenant resident in the City, to knowingly permit another individual to violate any provision of subsection (1) of this Section 5.48.090.

5.48.100 Administrative Citations.

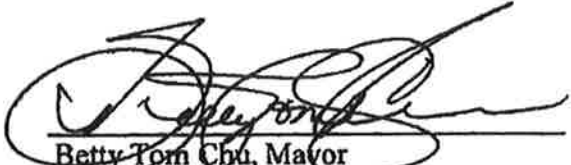
In addition to any other penalties provided by law, any person who commits a violation of Section 5.48.090 of this Chapter shall be subject to an Administrative Citation as set forth by City Council Resolution, which may be amended from time to time.

Section 2. Severability. If any section, subsection, subdivision, sentence, clause, phrase or portion of this ordinance, or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance or its application to other persons or places. The people of the City of Monterey Park hereby declare that they would have adopted this ordinance and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions or the application thereof to any person or place be declared invalid or unconstitutional.

Section 3. That a copy of the document referenced in this Ordinance is on file and is open for inspection by the public in the office of the City Clerk of the City of Monterey Park.


Section 4. This Ordinance is adopted pursuant to the provisions of Sections 36934 and 36937 of the California Government Code and shall take effect immediately upon its adoption. Within 15 days after its passage, the City Clerk shall cause it to be published in a newspaper of general circulation.

INTRODUCED, APPROVED AND ADOPTED this 7th day of June, 2006.



Betty Torn Chu, Mayor
City of Monterey Park, California

ATTEST:




David M. Barron, CMC, City Clerk
City of Monterey Park, California

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF MONTEREY PARK)

I, DAVID M. BARRON, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Ordinance No. 2041 was regularly introduced, passed, approved and adopted at a regular meeting of the City Council on the 7th day of June, 2006, by the following vote:

AYES:	COUNCIL MEMBERS: VENTI, ENG, MARTINEZ, LAU, CHU
NOES:	COUNCIL MEMBERS: NONE
ABSENT:	COUNCIL MEMBERS: NONE
ABSTAIN:	COUNCIL MEMBERS: NONE

Dated this 7th day of June, 2006.



David M. Barron, CMC, City Clerk
City of Monterey Park, California

ATTACHMENT 6
Resolution No. 11040

RESOLUTION NO. 11040

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MONTEREY PARK AMENDING THE MASTER FEE SCHEDULE TO ESTABLISH
FINES FOR VIOLATIONS OF CHAPTER 5.48 OF THE MONTEREY PARK
MUNICIPAL CODE PERTAINING TO FIREWORKS**

WHEREAS, on June 7, 2006, the City Council of the City of Monterey Park (the "City") adopted Urgency Ordinance No. 2041, which amended Chapter 5.48 of the Monterey Park Municipal Code; and

WHEREAS, Chapter 5.48 of the Monterey Park Municipal Code provides time, place and manner restrictions on use and discharge of Safe and Sane fireworks by consumers, as well as prohibits use of illegal fireworks in the City; and

WHEREAS, a Master Fee Schedule has been established by the City through the adoption of Resolution 9929, as amended by Resolution 10823; and

WHEREAS, the City now desires to amend the Master Fee Schedule to establish fines relating to violations of Chapter 5.48 of the Monterey Park Municipal Code.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONTEREY
PARK DOES HEREBY RESOLVE AS FOLLOWS:**

SECTION 1. The Master Fee Schedule adopted by Resolution 9929, and amended by Resolution 10823, is hereby further amended to include the following fines in accordance with section 12700 of the California Health & Safety Code:

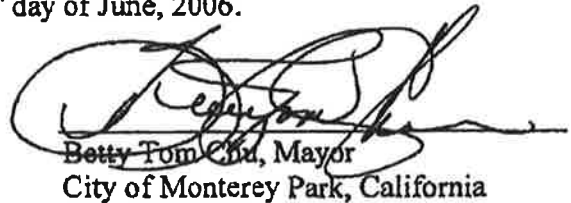
SECTION F – FIRE DEPARTMENT

MPMC 5.48.090 (1)	Unlawful Use of Fireworks	\$500 - \$1,000
MPMC 5.48.090 (2)	Allowing Unlawful Use of Fireworks on Property	\$500 - \$1000

MPMC 5.48.090 (3) Sale of Fireworks without a Permit/ \$500 - \$1,000.
Sale of Illegal Fireworks

SECTION 2. The City Clerk shall certify to the adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED and ADOPTED this 7th day of June, 2006.



Betty Tom Chu, Mayor
City of Monterey Park, California

ATTEST:




David M. Barron, CMC, City Clerk
City of Monterey Park, California

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF MONTEREY PARK)

I, David M. Barron, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No. 11040 as duly and regularly adopted by the City Council of the City of Monterey Park at a meeting held on the 7th day of June, 2006, by the following vote:

AYES:	COUNCIL MEMBERS: VENTI, ENG, MARTINEZ, LAU, CHU
NOES:	COUNCIL MEMBERS: NONE
ABSENT:	COUNCIL MEMBERS: NONE
ABSTAIN:	COUNCIL MEMBERS: NONE

Dated this 7th day of June, 2006.



David M. Barron, CMC, City Clerk
City of Monterey Park, California

RESOLUTION NO. 11040

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MONTEREY PARK AMENDING THE MASTER FEE SCHEDULE TO ESTABLISH
FINES FOR VIOLATIONS OF CHAPTER 5.48 OF THE MONTEREY PARK
MUNICIPAL CODE PERTAINING TO FIREWORKS**

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**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MONTEREY
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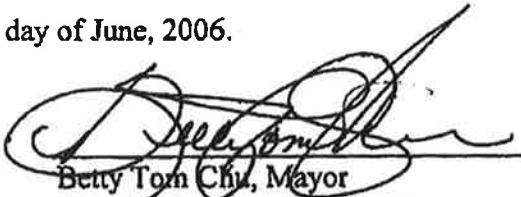
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MPMC 5.48.090 (1)	Unlawful Use of Fireworks	\$500 - \$1,000
MPMC 5.48.090 (2)	Allowing Unlawful Use of Fireworks on Property	\$500 - \$1000

MPMC 5.48.090 (3) Sale of Fireworks without a Permit/ \$500 - \$1,000.
Sale of Illegal Fireworks

SECTION 2. The City Clerk shall certify to the adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED and ADOPTED this 7th day of June, 2006.


Betty Torn Chu, Mayor
City of Monterey Park, California

ATTEST:



David M. Barron, CMC, City Clerk
City of Monterey Park, California

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS.
CITY OF MONTEREY PARK)

I, David M. Barron, City Clerk of the City of Monterey Park, California, do hereby certify that the foregoing Resolution No. 11040 as duly and regularly adopted by the City Council of the City of Monterey Park at a meeting held on the 7th day of June, 2006, by the following vote:

AYES:	COUNCIL MEMBERS: VENTI, ENG, MARTINEZ, LAU, CHU
NOES:	COUNCIL MEMBERS: NONE
ABSENT:	COUNCIL MEMBERS: NONE
ABSTAIN:	COUNCIL MEMBERS: NONE

Dated this 7th day of June, 2006.


David M. Barron, CMC, City Clerk
City of Monterey Park, California



City Council Staff Report

DATE: June 19, 2019

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-E.

TO: The Honorable Mayor and City Council
FROM: Mark A. McAvoy, Director of Public Works / City Engineer
SUBJECT: Memoranda of Understanding between the City of Monterey Park and the Metropolitan Water District of Southern California for El Niño Preparedness Projects at three areas near Garvey Reservoir

RECOMMENDATION:

It is recommended that the City Council:

1. Authorize the City Manager to execute three Memoranda of Understanding between the City of Monterey Park and the Metropolitan Water District of Southern California for El Niño Preparedness projects at three areas near Garvey Reservoir, in a form approved by the City Attorney; and
2. Take such additional, related, action that may be desirable.

CEQA (California Environmental Quality Act):

The preparedness projects were reviewed pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines"). Based upon that review, the preparedness projects are exempt from further review pursuant to CEQA Guidelines § 15269(a) because the protection of public and private property is necessary to maintain service essential to the public, health and welfare.

EXECUTIVE SUMMARY:

On November 18, 2015 the City Council adopted a resolution declaring an emergency and authorizing the City Manager to enter into an agreement with the Metropolitan Water District of Southern California (MWD) to cooperate and coordinate emergency preparedness efforts to help protect public health and property from potential impacts of El Niño storm events.

In an effort to continue to protect public health and property from potential impacts of winter storm events as experienced over the past storm season and to complete projects identified through the previous efforts, City staff and MWD staff recommends that the two parties enter into the proposed Memorandums of Understanding (MOUs).

BACKGROUND:

While storms bring much needed water to Southern California, the inundation of storm water can result in conditions leading to potential damage to private and public property. MWD and City representatives have discussed actions that can be taken to protect public health, safety and property from strong winter storm events. The recommendation is for both public entities to continue to cooperatively undertake immediate, actions to prepare for the winter storms.

Since the previous efforts and improvements, MWD and City staff have continued to work on identifying potential projects to remediate impacts from storm water flowing from the Garvey Reservoir hillsides. Three projects have been identified where storm water flows must cross private properties in order to continue into the City's storm drain system.

MWD and the City also agreed during the previous agreement to cost sharing and to perform certain work required to implement the improvements proposed by the projects as will be detailed in the proposed MOUs. Plans for these projects are currently being finalized and staff will bring back award of a construction contract once plans are finalized and approved.

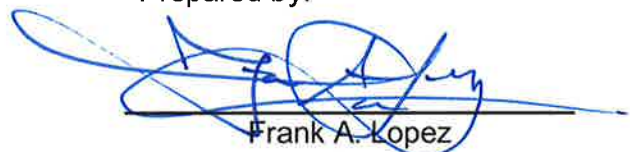
FISCAL IMPACT:

Funding for these projects was budgeted in the 2018-19 Fiscal Year as the *Garvey Reservoir Drainage Improvements* in the amount of \$280,000 from account number 0042-5001-91962.

Respectfully submitted by:


Mark A. McAvoy
Director of Public Works/
City Engineer

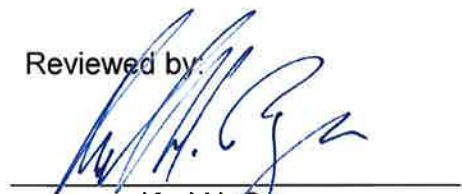
Prepared by:


Frank A. Lopez
Assistant City Engineer

Approved by:


Ron Bow
City Manager

Reviewed by:


Karl H. Berger
Assistant City Attorney

ATTACHMENT(S):

1. Staff Report from 2015

ATTACHMENT 1

Staff Report from 2015



City Council Staff Report

DATE: November 18, 2015

AGENDA ITEM NO: New Business
Agenda Item 6-F.

TO: Paul L. Talbot, City Manager
FROM: Ron Bow, Director of Public Works / Assistant City Manager
SUBJECT: El Niño Preparedness Projects near Garvey Reservoir; Declaration of Emergency

Recommendations: It is recommended that the City Council:

- (1) Adopt Resolution no. ____ finding that an emergency exists within the City and authorizing contracting without the need for bidding pursuant to Public Contracts Code §§ 20168 and 22050. Additionally, the Resolution would authorize the City Manager to execute an agreement with the Metropolitan Water District of Southern California to cooperate and coordinate emergency preparedness efforts; and
- (2) Authorize the funding of \$300,000.0 from Account # 0110-801-5002-96083, from General Fund Capital Improvement Projects
- (3) Take such additional, related, action that may be desirable.

CEQA

The resolution itself and the preparedness projects anticipated by the resolution were reviewed pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, et seq., the "CEQA Guidelines"). Based upon that review, the preparedness projects are exempt from further review pursuant to CEQA Guidelines § 15269(a) because the protection of public and private property is necessary to maintain service essential to the public, health and welfare.¹

EXECUTIVE SUMMARY:

Most scientific data demonstrates that the predicted 2015-16 El Niño winter storms will be stronger than those from 1982-83. While these storms will bring much needed water to Southern California, the inundation of such stormwater will result in conditions leading to potential damage to private and public property. MWD and City representatives have

¹ CEQA findings regarding an anticipated imminent emergency are valid (*see CalBeach Advocates v. City of Solana Beach* (2002) 103 Cal.App.4th 529).

recently discussed actions that can be taken to protect public health, safety and property from the El Niño storm events. The recommendation is for both public entities to cooperatively undertake immediate, emergency, actions to prepare for the winter storms.

BACKGROUND:

The City is preparing for the 2015-16 El Niño storm events. At the October 21st City Council meeting, the Monterey Park Fire Department gave an extensive overview regarding the impacts El Niño will have on the City along with a number of measures being implement to help protect public health and property.

Since that time, MWD and City representatives met to discuss the potential impacts from stormwater flowing from the Garvey Reservoir hillsides. Unless actions are immediately taken to ensure proper drainage from public and private property; erect temporary improvements and permanent where possible to divert water and mud; and clean-out existing drainage infrastructure, it is likely that both entities will be responding to emergencies at times when public resources will be stretched. Representatives of both entities agree that the most prudent action would be to take immediate action to help mitigate or eliminate imminent threats to public health and safety that will arise from El Niño storm events.

As a result, MWD and City representatives propose that the two parties enter into a cooperate agreement through which they can coordinate preparedness projects, delegate responsibilities, identify priorities, and share costs. The draft resolution would authorize the City Manager to execute such an agreement. In general, the memorandum of understanding ("MOU") between the parties would create a technical committee comprised of engineering staff that would identify, prioritize, and create specifications for preparedness projects. It would allow either or both parties to enter into agreements with responsible contractors to complete these emergency projects.

Additionally, the resolution would budget \$300,000.00 toward implementing the preparedness projects; require regular reporting to the City Council regarding progress being made; and allow the City to reconsider the emergency declaration if the El Niño storms are less severe than currently predicted.

Ordinarily, the Public Contracts Code ("PCC") requires formal bidding for all public works projects. PCC § 20168, however, allows the City Council to adopt a resolution by four-fifths vote "declaring that the public interest and necessity demand the immediate expenditure of public money to safeguard life, health or property." Pursuant to this section and PCC § 22050, the City Council may by-pass bidding requirements ordinarily required under the PCC. An "emergency" is defined as "a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services."

As shown in the record – including the attached photographs from the Garvey Reservoir (on MWD property) – there are multiple sites that must be evaluated by the MWD/City team to determine what types of temporary/emergency improvements need to be implemented. Without such action, public and private properties are likely to be subjected to unpredictable and excessive flooding, mudslides, and other storm related events.

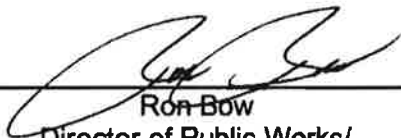
Adopting the proposed resolution will declare an emergency; authorize City staff to contract for services and supplies; authorize the execution of a contract with MWD; and establish a \$300,000.0 budget for the various work. Notwithstanding the emergency, however, the resolution still requires the City to utilize reasonable procedures for identifying and retaining responsible contractors to complete the work.

In short, it is in the public interest for MWD and the City to cooperate in preparing for the predicted 2015-16 El Niño storm events.

FISCAL IMPACT:

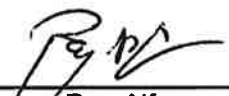
This project will be funded from the General Fund Capital Improvement Reserves, Account Number 0010-801-502-96083.

Respectfully submitted by:



Ron Bow
Director of Public Works/
Assistant City Manager

Prepared by:



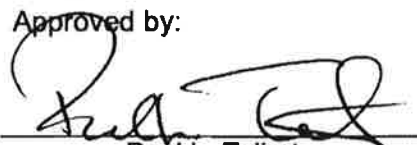
Rey Alfonso
Assistant City Engineer

Approved by:




Annie Yaung
Controller

Approved by:



Paul L. Talbot
City Manager

Reviewed by:



Karl H. Berger, Assistant City
Attorney

Attachments:

1. Declaration of Emergency/Draft Resolution
2. NOAA1
3. 4 – Pictures

ATTACHMENT 1
Declaration of Emergency/Draft Resolution

RESOLUTION NO. _____

A RESOLUTION ADOPTED PURSUANT TO PUBLIC CONTRACTS CODE § 20168 FINDING THAT AN EMERGENCY EXISTS WITHIN THE CITY AND AUTHORIZING CONTRACTING WITHOUT THE NEED FOR BIDDING PURSUANT TO § 22050 AND MONTEREY PARK MUNICIPAL CODE § 3.90.040 AND FINDING THAT THE PROJECT IS EXEMPT FROM REVIEW UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AS AN EMERGENCY REPAIR.

The City Council does resolve as follows:

SECTION 1: The City Council finds and declares as follows:

- A. Pursuant to Public Contracts Code ("PCC") § 20168, the City Council may, upon a four-fifths vote, declare that public interest and necessity demand the immediate expenditure of public money to safeguard life, health, or property because of an emergency.
- B. In accordance with PCC §§ 20168 and 22050, the City Council may repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.
- C. The most recent predictions from the National Oceanic and Atmospheric Administration ("NOAA") indicate that the weather pattern known as "El Niño" has a 95% chance of beginning in the next 1-2 months (the "NOAA Alert"), gradually weakening in the Spring of 2016 (<http://www.elnino.noaa.gov/>; accessed November 10, 2015).
- D. The most recent NOAA *El Niño/Southern Oscillation (ENSO) Diagnostic Discussion*, dated October 8, 2015, is attached as Exhibit "A" for reference.
- E. By most scientific evidence, the 1982-83 El Niño event was the strongest one of the 20th Century. Most scientific data indicate that the 2015-16 El Niño will be even stronger.
- F. As demonstrated most recently during the City Council's October 21, 2015 regular meeting (Agenda Item No. 6-D), El Niño events have historically resulted in extreme rain and flooding within Southern California. The presentation provided by the Monterey Park Fire Department on October 21, 2015 is incorporated into the record by this reference.

- G. The Metropolitan Water District of Southern California ("MWD") owns and operates the Garvey Reservoir, located within the City's jurisdiction. The Garvey Reservoir was built in 1999, nearly 16 years after the previous strong El Niño event.
- H. In light of the NOAA Alert, City and MWD representatives met to discuss strategies for protecting public and private properties (collectively, "property") surrounding the Garvey Reservoir from unprecedented stormwater related occurrences that would result from the 2015-16 El Niño. Such stormwater occurrences could arise from land movement; flooding; ineffective drainage; and other, similar, issues.
- I. Based upon the NOAA Alert and substantial evidence in the entirety of the record, the City Council believes it is in the public interest for the City to cooperate and coordinate in protecting public and private property (collectively, "properties") from anticipated El Niño events (collectively, the "preparedness projects").
- J. MWD's and the City's efforts to identify and complete the preparedness projects is best memorialized in an operating agreement that would be executed between the two public entities. The location, priority, and cost of such preparedness projects requires close coordination between engineering and public works representatives from both MWD and the City.
- K. Based upon the NOAA Alert, the City Council finds that the properties will be threatened by heavy rains within the next two to three months. Consequently, there is an imminent threat to public health and safety that requires immediate action.
- L. The threat of heavy rains, as demonstrated by the NOAA Alert, constitutes a sudden, unexpected occurrence that poses a clear and imminent danger to the property along with public health and safety. This threat requires immediate action to prevent or mitigate the loss or impairment of essential public services.
- M. Under such emergency conditions, the City Council finds that the delay resulting from public bidding would imperil essential public services.
- N. The City reviewed the preparedness projects' environmental impacts under the California Environmental Quality Act (Public Resources Code §§ 21000, *et seq.*, "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, *et seq.*, the "CEQA Guidelines"). Based upon that review, the City Council finds that the preparedness projects are exempt from further review pursuant to CEQA Guidelines § 15269(a) because the protection of the properties is necessary to maintain

service essential to the public, health and welfare.

- O. This Resolution, and its findings, is based upon the entirety of the record considered by the City Council at its November 18, 2015 meeting including, without limitation, the factual references identified in this Section, the staff report accompanying this Resolution, and such additional data provided by MWD as to the properties.

SECTION 2: Actions. Subject to the limitations set forth in this Resolution and in light of the emergency described above, the City Council takes the following actions:

- A. Directs the City Manager to take all steps necessary to protect public health, safety and welfare including, without limitation, awarding contracts in accordance with PCC § 22050 and MPMC § 3.90.040.
- B. Authorizes the City Manager to execute a memorandum of understanding ("MOU"), in a form approved by the City Attorney, with MWD that (among other things) allocates responsibilities and costs between the Parties as to undertaking the preparedness efforts.
- C. Amends the 2015-16 Budget to establish a \$300,000.00 appropriation from the General Fund Capital Improvement Reserve to pay for the preparedness efforts.

SECTION 3: Limitations. The City Manager, or designee, is required to implement this purpose of this Resolution as follows:

- A. To the extent practicable, the City Manager, or designee, is required to utilize reasonable efforts to select responsible contractors at the lowest price to complete the preparedness projects;
- B. The City Manager, or designee, is required to provide a report to the City Council on a monthly basis regarding the progress of completing the preparedness projects and the accumulated costs associated with such efforts; and
- C. The City Council may reconsider this Resolution in the unlikely event that the NOAA Alert is altered by NOAA to significantly reduce the likelihood or severity of the El Niño predictions.

SECTION 4: This Resolution will become effective immediately upon adoption and remain effective unless superseded by a subsequent resolution.

PASSED AND ADOPTED this ____ day of November, 2015.

Peter Chan, Mayor

APPROVED AS TO FORM:
Mark D. Hensley, City Attorney

By: 
Karl H. Berger, Assistant City Attorney

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) **SS**
CITY OF MONTEREY PARK)

I, Vincent D. Chang, City Clerk of the City of Monterey Park, California, DO HEREBY CERTIFY that the whole number of members of the City Council of the said City is five; that the foregoing resolution, being RESOLUTION NO. _____ was duly passed and adopted by the said City Council, approved and signed by the Mayor of said City, and attested by the City Clerk of said City, all at a regular meeting of the said Council held on the _____ day of _____, 2015, and the same was so passed and adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTENTION:

NOT PARTICIPATING:

WITNESS MY HAND THE OFFICIAL SEAL OF SAID CITY this _____ day of _____, 2015.

Peter Chan, City Clerk
Of the City of Monterey Park,
California
(SEAL)

ATTACHMENT 2

NOAA1

EL NIÑO/SOUTHERN OSCILLATION (ENSO) DIAGNOSTIC DISCUSSION

issued by

CLIMATE PREDICTION CENTER/NCEP/NWS
and the International Research Institute for Climate and Society
8 October 2015

ENSO Alert System Status: El Niño Advisory

Synopsis: There is an approximately 95% chance that El Niño will continue through Northern Hemisphere winter 2015-16, gradually weakening through spring 2016.

During September, sea surface temperature (SST) anomalies were well above average across the central and eastern Pacific Ocean (Fig. 1). The Niño indices generally increased, although the far western Niño-4 index was nearly unchanged (Fig. 2). Also, relative to last month, the strength of the positive subsurface temperature anomalies decreased slightly in the central and eastern Pacific (Fig. 3), but the largest departures remained above 6°C (Fig. 4). The atmosphere was well coupled with the ocean, with significant low-level westerly wind anomalies and upper-level easterly wind anomalies persisting from the western to the east-central tropical Pacific. Also, the traditional and equatorial Southern Oscillation Index (SOI) values became more negative (stronger), consistent with enhanced convection over the central and eastern equatorial Pacific and suppressed convection over Indonesia (Fig. 5). Collectively, these atmospheric and oceanic anomalies reflect a strong El Niño.

All models surveyed predict El Niño to continue into the Northern Hemisphere spring 2016, and all multi-model averages predict a peak in late fall/early winter (Fig. 6). The forecaster consensus unanimously favors a strong El Niño, with peak 3-month SST departures in the Niño 3.4 region near or exceeding +2.0°C. Overall, there is an approximately 95% chance that El Niño will continue through Northern Hemisphere winter 2015-16, gradually weakening through spring 2016 (click [CPC/IRI consensus forecast](#) for the chance of each outcome for each 3-month period).

Across the United States, temperature and precipitation impacts from El Niño are likely to be seen during the upcoming months (the [3-month seasonal outlook](#) will be updated on Thursday October 15th). Outlooks generally favor below-average temperatures and above-median precipitation across the southern tier of the United States, and above-average temperatures and below-median precipitation over the northern tier of the United States.

This discussion is a consolidated effort of the National Oceanic and Atmospheric Administration (NOAA), NOAA's National Weather Service, and their funded institutions. Oceanic and atmospheric conditions are updated weekly on the Climate Prediction Center web site ([El Niño/La Niña Current Conditions and Expert Discussions](#)). Forecasts are also updated monthly in the [Forecast Forum](#) of CPC's Climate Diagnostics Bulletin. Additional perspectives and analysis are also available in an [ENSO blog](#). The next ENSO Diagnostics Discussion is scheduled for 12 November 2015. To receive an e-mail notification when the monthly ENSO Diagnostic Discussions are released, please send an e-mail message to: ncep.list.ens0-update@noaa.gov.

Climate Prediction Center
National Centers for Environmental Prediction
NOAA/National Weather Service
College Park, MD 20740

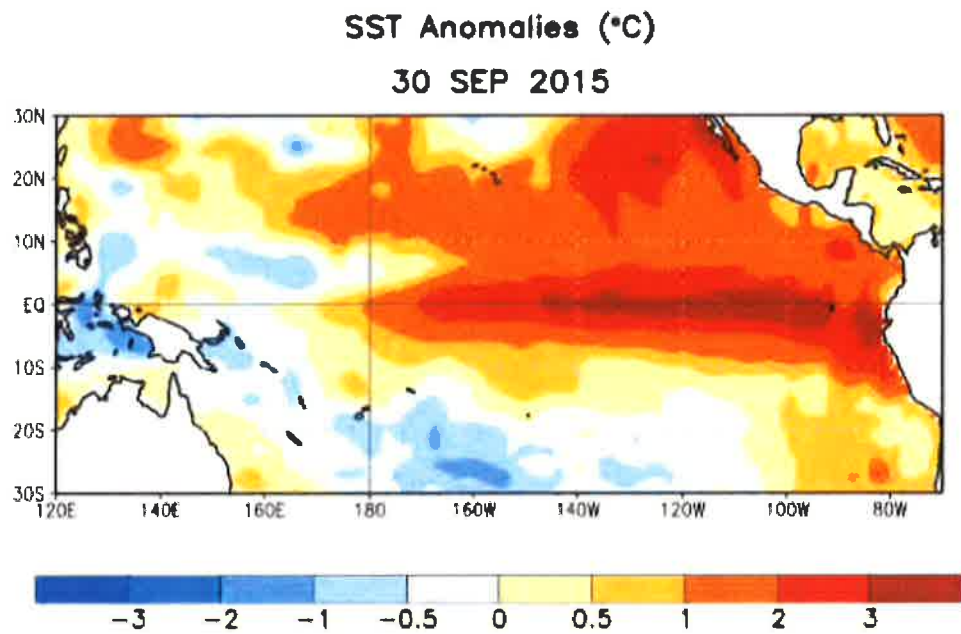


Figure 1. Average sea surface temperature (SST) anomalies (°C) for the week centered on 30 September 2015. Anomalies are computed with respect to the 1981-2010 base period weekly means.

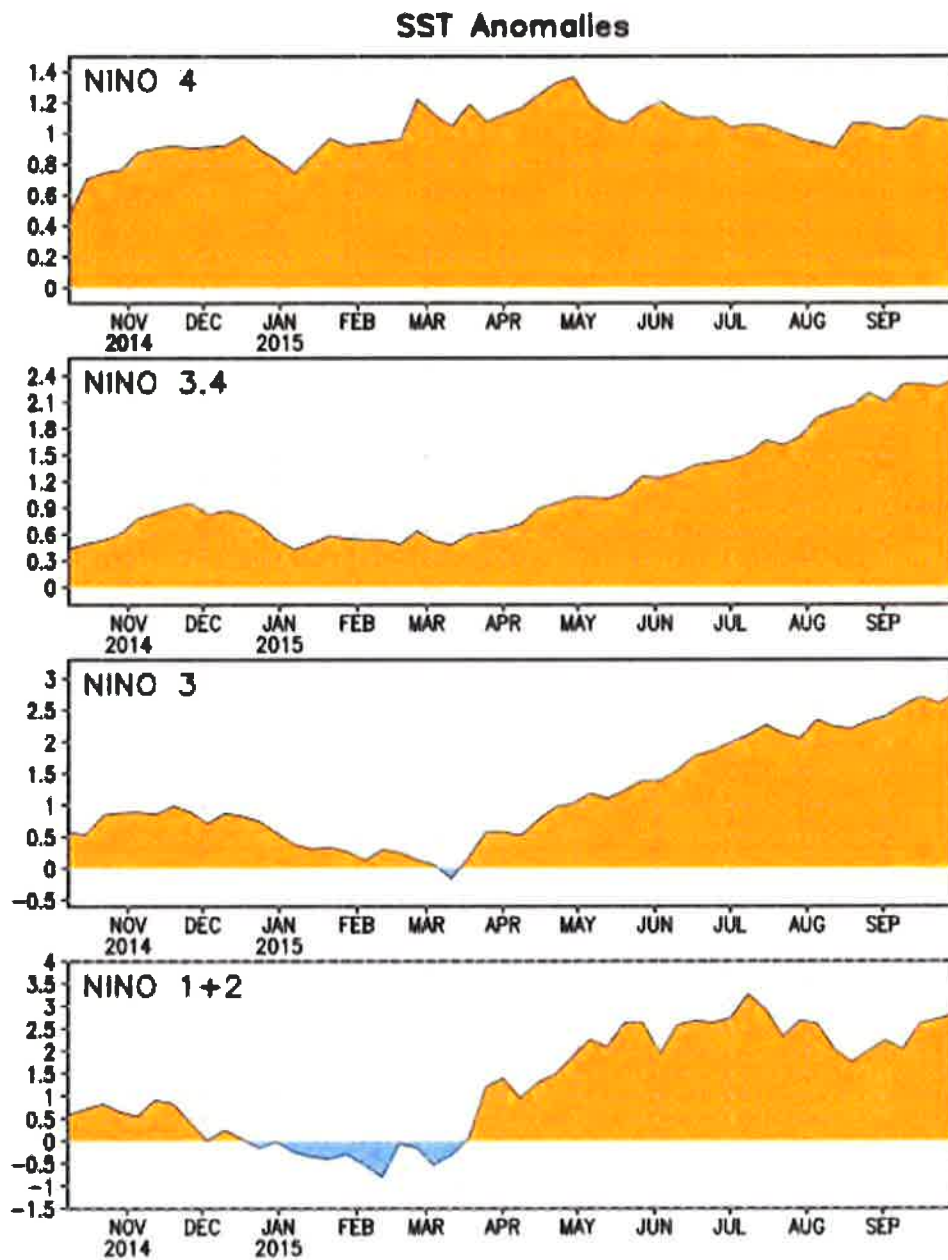


Figure 2. Time series of area-averaged sea surface temperature (SST) anomalies ($^{\circ}\text{C}$) in the Niño regions [Niño-1+2 (0° - 10°S , 90°W - 80°W), Niño 3 (5°N - 5°S , 150°W - 90°W), Niño-3.4 (5°N - 5°S , 170°W - 120°W), Niño-4 (5°N - 5°S , 150°W - 160°E)]. SST anomalies are departures from the 1981-2010 base period weekly means.

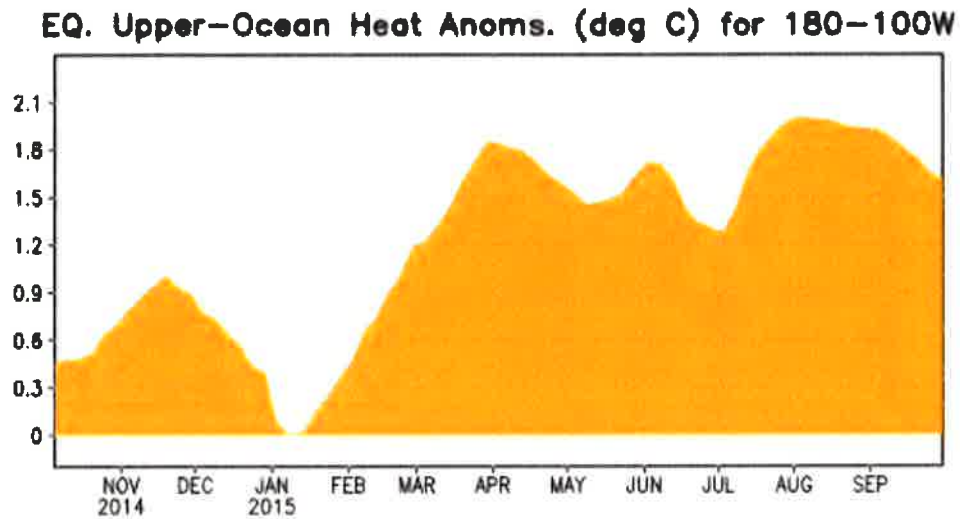


Figure 3. Area-averaged upper-ocean heat content anomaly (°C) in the equatorial Pacific (5°N-5°S, 180°-100°W). The heat content anomaly is computed as the departure from the 1981-2010 base period pentad means.

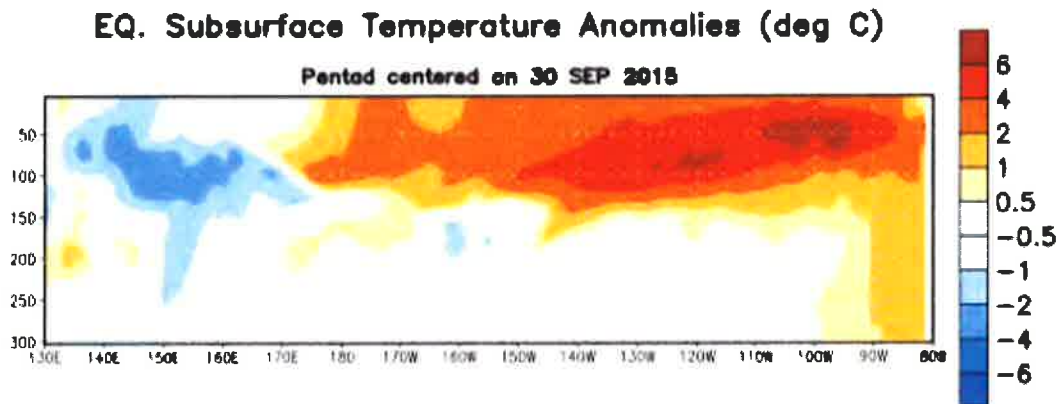


Figure 4. Depth-longitude section of equatorial Pacific upper-ocean (0-300m) temperature anomalies (°C) centered on the pentad of 30 September 2015. The anomalies are averaged between 5°N-5°S. Anomalies are departures from the 1981-2010 base period pentad means.

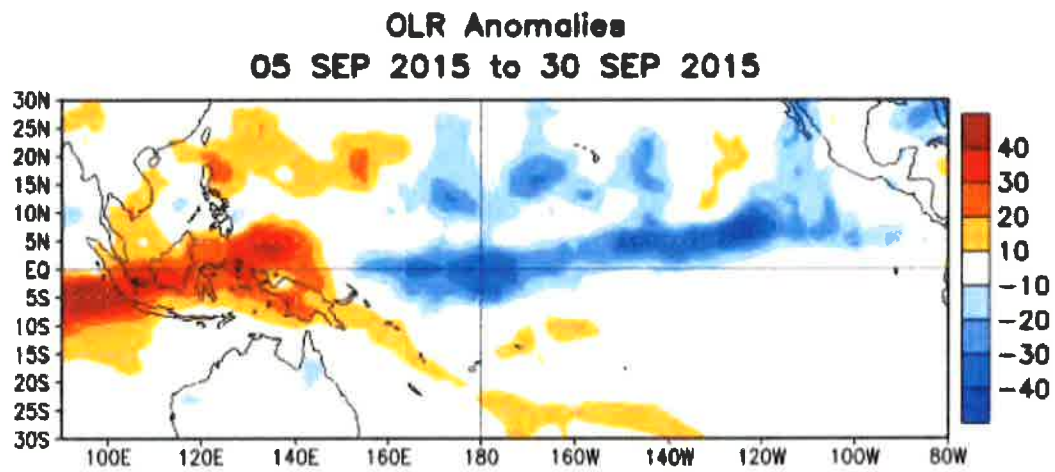


Figure 5. Average outgoing longwave radiation (OLR) anomalies (W/m^2) for the period 5 – 30 September 2015. OLR anomalies are computed as departures from the 1979-1995 base period pentad means.

Mid-Sep 2015 Plume of Model ENSO Predictions

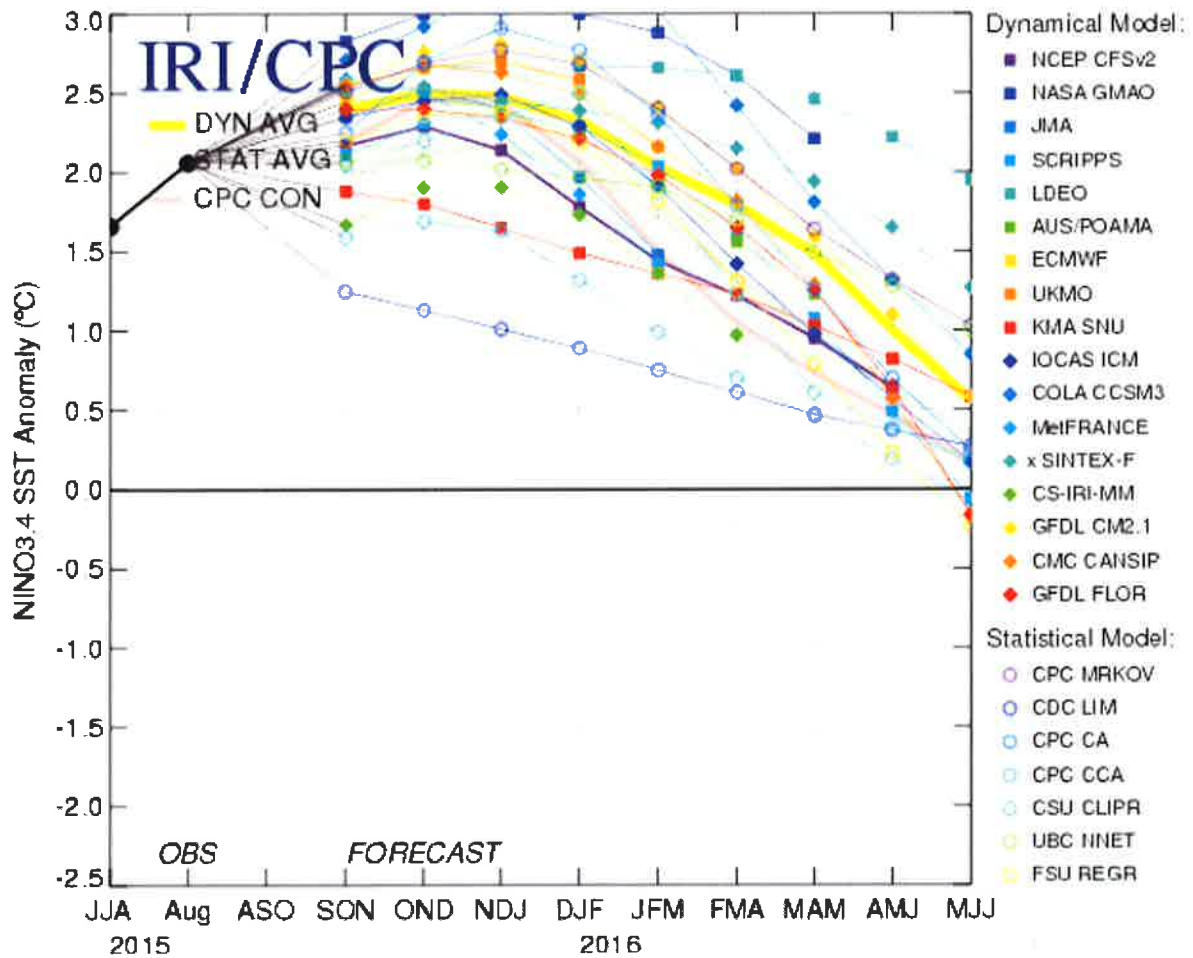
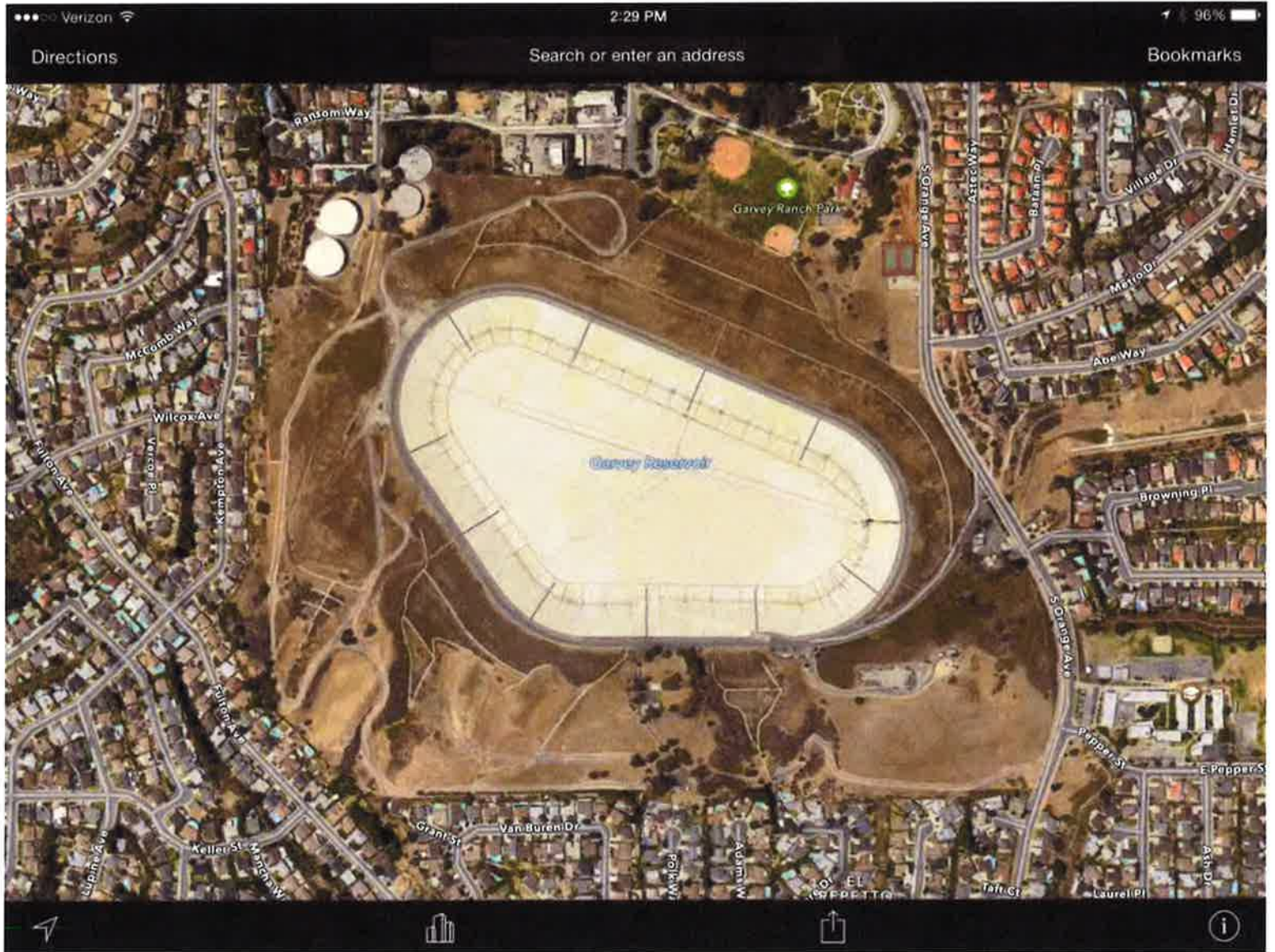


Figure 6. Forecasts of sea surface temperature (SST) anomalies for the Niño 3.4 region (5°N-5°S, 120°W-170°W). Figure updated 15 September 2015.

ATTACHMENT 3
(4) Pictures











City Council Staff Report

DATE: June 19, 2019

AGENDA ITEM NO: Consent Calendar
Agenda Item 3-F.

TO: The Honorable Mayor and City Council
FROM: Mark A. McAvoy, Director of Public Works/City Engineer
SUBJECT: Award of Maintenance Agreement for Boulevard Median Landscaping to Mariposa Landscapes, Inc.

RECOMMENDATION:

It is recommended that the City Council consider:

1. Authorizing the City Manager to execute a three year agreement, in a form approved by the City Attorney, with Mariposa Landscapes, Inc., for an amount not to exceed \$353,952 for Boulevard Median Landscaping;
2. Authorizing the Director of Public Works to approve change orders up to \$17,697.60 (up to 5% of the agreement amount); and
3. Take such additional, related, action that may be desirable

EXECUTIVE SUMMARY:

On March 6, 2019, the City Council awarded a contract to Quality Sprayers, Inc., to provide landscape and irrigation maintenance to citywide boulevard medians and various other landscape areas. Quality Sprayers, Inc. was the lowest responsive bidder based on the bids received in February 2019. The City terminated this agreement for convenience on May 31, 2019. Staff recommends that the City enter into a new maintenance agreement with Mariposa Landscapes, Inc., which was the next lowest responsive bidder.

BACKGROUND:

On January 24, 2019, staff released a Notice Inviting Sealed Bids as Spec. 885, for Boulevard Median Landscaping. Five bids were received on February 7, 2019. Upon the completed review of all required bid components and background verification, four bidders were found to be responsive. The bids that were received were as follows:

RANK	VENDOR	BID AMOUNT
1	Quality Sprayers Inc.	\$113,100 Annually
2	Mariposa Landscapes Inc.	\$117,984 Annually
3	GreenTech Landscape Inc.	\$132,000 Annually
4	Priority Landscape Services, LLC.	\$153,000 Annually
NR	Complete Landscape Care, Inc.	\$95,628 Annually

Quality Sprayers, Inc., was the lowest responsive bidder. On March 6, 2019, the City Council awarded Quality Sprayers, Inc., an agreement to provide landscape and

irrigation maintenance to citywide boulevard medians and various other public landscape areas at City parks. This award resulted in the City and Quality Sprayers, Inc., entering into Maintenance Agreement 2126-A.


For various reasons, the City determined that it would be in the public interest to terminate Quality Sprayer's services with the City. Consequently, the City utilized the termination for convenience provision in Agreement No. 2126-A and ended Quality Sprayer's services on May 31, 2019.

To ensure that the City's landscaping needs are met, it is recommended that the City Council authorize the City Manager to execute an agreement with Mariposa Landscapes, Inc. for \$117,984 per year. Staff has reviewed the bid submitted by Mariposa and verified the references provided. In addition, Mariposa previously provided landscape services to the City in a satisfactory manner. Staff therefore recommends award of a new maintenance agreement to Mariposa Landscapes, Inc. Staff recommends a three year term not-to-exceed \$353,952, and recommends a 5% contingency of \$17,697.60, for a total cost of \$371,649.60. The reduced contingency is an effort to keep the overall maintenance costs substantially similar with the previously budgeted amount.

FISCAL IMPACT:

The expenditure on these services remains as an annually budgeted line item within account number 0010-801-6516-31190. This account is used for Park Contracted Services. The change order/ contingency percentage is recommended at 5%, thereby accounting for the slightly higher bid price for Mariposa Landscape, Inc.


Respectfully submitted by:


for Mark A. McAvoy
Director of Public Works /
City Engineer


Prepared by:


for Chris J. Reyes
Interim Public Works
Maintenance Manager

Approved by:


Ron Bow
City Manager

Reviewed by:


Karl H. Berger
Assistant City Attorney

ATTACHMENT(S):

1. Bid Submittal – Mariposa Landscapes, Inc.

ATTACHMENT 1
Bid Submittal – Mariposa Landscapes, Inc.

SECTION C. BIDDERS PROPOSAL
(Entire section C must be submitted with the bid)

BIDDER'S NAME: Mariposa Landscapes Inc.

In accordance with the City's Notice Inviting Sealed Bids, the undersigned BIDDER, hereby proposes to furnish all materials, equipment, tools, labor, and incidentals required for the above stated project as set forth in the Plans, Specifications, and contract documents therefore, and to perform all work in the manner and time prescribed therein.

BIDDER declares that this proposal is based upon careful examination of the work site, Plans, Specifications, Instructions to Bidders, and all other contract documents. If this proposal is accepted for award, BIDDER understands that failure to enter into a contract in the manner and time prescribed will result in forfeiture to the City of Monterey Park of the guarantee accompanying this proposal.

BIDDER understands that a bid is required for the entire work. The contract will be awarded on the prices shown on the bid schedule. It is agreed that the unit and/or lump sum prices bid include all appurtenant expenses, taxes, royalties and fees. In the case of discrepancies in the amounts of bid, unit prices will govern over extended amount, and words will govern over figures.

If awarded the Contract, the undersigned further agrees that in the event of the BIDDER'S default in executing the required contract and filing the necessary bonds and insurance certificates within ten working days after the date of the City's notice of award of contract to the BIDDER, the proceeds of the guarantee accompanying this bid becomes the property of the City and this bid and the acceptance hereof may, at the City's option, be considered null and void.

BID SCHEDULE

To the Monterey Park's City Council, herein called the "Council".

Pursuant to and in compliance with your Notice Inviting Bids and the other documents relating thereto, the undersigned bidder, having familiarized himself with the work, and with the terms of the contract, the local conditions affecting the performance of the contract, and the cost of the work at the place where the work is done, and with the drawings and specifications and other contract documents, hereby proposes and agrees to perform, within the time stipulated, the contract, including all of its component parts, and everything required to be performed, and to provide and furnish any and all of the labor, materials, tools, expendable equipment, and all applicable taxes, utility and transportation services necessary to perform the contract and complete in a workmanlike manner, all in strict conformity with the Contract Documents on file at the office of the City Clerk of said City, per the following bid schedule:

City of Monterey Park

Specification No. 885

WORK SITE	LOCATION	TYPE	NUMBER OF MEDIANS	LANDSCAPE (FT² AREA)			
				1	2	3	MISC.
E. GARVEY AVE.	NEW TO ELIZABETH	MEDIAN	1	2800			
E. GARVEY AVE.	ELIZABETH TO FLORENCE	MEDIAN	1	3600			
E. GARVEY AVE.	FLORENCE TO GLADYS	MEDIAN	2	1800	1100		
E. GARVEY AVE.	GLADYS TO N. ORANGE	MEDIAN	1	1500			
E. GARVEY AVE.	N. ORANGE TO N. RURAL	MEDIAN	1	1700			
E. GARVEY AVE.	N. RURAL TO SIERRA VISTA	MEDIAN	1	2300			
E. GARVEY AVE.	N. SIERRA VISTA TO ALHAMBRA	MEDIAN	1	3000			
E. GARVEY AVE.	N. ALHAMBRA TO N. NICHOLSON	MEDIAN	2	700	2850		
E. GARVEY AVE.	N. NICHOLSON TO N. LINCOLN	MEDIAN	2	2500	3000		
E. GARVEY AVE.	N. LINCOLN TO N. GARFIELD BLVD.	MEDIAN	1	4410			
PARKING DISTRICT 1 (S)	S. OF SE GARVEY & GARFIELD	PKG LOT	PLANTERS	825			
PARKING DISTRICT 2 (N)	N. OF NE GARVEY & GARFIELD	PKG LOT	PLANTERS	1750			
NEW AVE. OFFRAMP SW	TRIANGLE AT CITY LIMIT	ICEPLANT	2	4910	1385		
NEW AVE.	HELLMAN TO EMERSON	MEDIAN	1	1260			
W. GARVEY AVE.	N. GARFIELD TO N. BALTIMORE	MEDIAN	2	1250	1270		
W. GARVEY AVE.	N. BALTIMORE TO N. HUNTINGTON	MEDIAN	2	750	800		
W. GARVEY AVE.	N. HUNTINGTON TO N. McPHERRIN	MEDIAN	1	3200			
W. GARVEY AVE.	N. McPHERRIN TO N. YNEZ	MEDIAN	1	3610			
W. GARVEY AVE.	N. YNEZ TO N. MOORE	MEDIAN	2	1600	750		
W. GARVEY AVE.	N. MOORE TO N. CHANDLER	MEDIAN	2	970	800		
W. GARVEY AVE.	N. CHANDLER TO N. ATLANTIC	MEDIAN	2	1900	1320		
W. GARVEY AVE.	N. ATLANTIC TO MARGUERITA	MEDIAN	3	1200	3830	2780	
W. GARVEY AVE.	MARGUERITA TO S. ELECTRIC	MEDIAN	1	3500			
W. GARVEY AVE.	S. ELECTRIC TO HITCHCOCK	MEDIAN	1	4260			
W. GARVEY AVE.	HITCHCOCK TO FREMONT	MEDIAN	1	3780			
W. GARVEY AVE.	MONTEREY PASS TO S. ABAJO	MEDIAN	2	430	6700		
W. GARVEY AVE.	S. ABAJO TO PRIVATE RD.	MEDIAN	2	8120	2420		
W. GARVEY AVE.	PRIVATE RD. TO CASUDA CANYON	MEDIAN	1	13,540			
W. GARVEY BRIDGE	N. SIDE @ MONTEREY PASS	HILLSIDE	1				21,000
W. GARVEY BRIDGE	S. SIDE @ MONTEREY PASS	HILLSIDE	1				26,000
FELIZ ST.	VERDE VISTA IN CUL-DE-SAC	MEDIAN	1	1210			
CASUDA CANYON	@ CORPORATE CENTER	MEDIAN	3	2020	910	1450	
MONTEREY PASS	W. GARVEY TO FREMONT	MEDIAN	2	5525	1400		
MONTEREY PASS	AT FREMONT ENTRANCE	MEDIAN	2	1940	300		
N. ATLANTIC BLVD	HELLMAN TO EMERSON	MEDIAN	2	**4200	510		
N. ATLANTIC	EMERSON TO GARVEY	MEDIAN	1	420			
CASCADES WATERFALL	@ EL PORTAL & DE LA FUENTE	TURF	-	6000	6000		
DE LA FUENTE	@ EL PORTAL / WATERFALL W. SIDE	2 DG BASE BIOSWALES		325	325		
DE LA FUENTE	@ EL PORTAL / WATERFALL E. SIDE	PLANTERS	2	250	250		
EL PORTAL	DE LA FUENTE TO S. ATLANTIC	TURF	2	4100	4100		
EL PORTAL	S. ATLANTIC TO EL MERCADO	TURF	2	5625	5625		
700 EL MERCADO AVE.	CHAMBER OF COMMERCE BLDG.	EXTERIOR LANDSCAPE		500	500		
S. ATLANTIC	CADIZ INTERSECTION E. SIDE	MEDIAN	1	500			
S. ATLANTIC	SEVILLE TO EL REPETTO FRONTAGE	HILLSIDE	-				8325
S. ATLANTIC	EL REPETTO TO BRIGHTWOOD	E. MEDIAN	1	24,500			
S. ATLANTIC	EL REPETTO TO BRIGHTWOOD	MEDIAN	1	425			
S. ATLANTIC	BRIGHTWOOD TO FLORAL	MEDIAN	2	370	550		
S. ATLANTIC	BRIGHTWOOD TO 1 ST ST. E. SIDE	PARKWAY	-				8760
S. ATLANTIC	FLORAL TO 1 ST ST. W. SIDE	PARKWAY	-				2990
RIGGIN ST.	S. ATLANTIC TO COLLEGIAN	MEDIAN	1	860			
S. ATLANTIC	FLORAL TO CESAR CHAVEZ	MEDIAN	2	530	1230		
S. ATLANTIC	CESAR CHAVEZ TO 1 ST	MEDIAN	2	530	1420		
COLLEGIAN AVE	MTA TRANSIT CENTER	MEDIAN	1	7525			
N. GARFIELD	HELLMAN TO EMERSON	MEDIAN	1	800			
S. GARFIELD	GARVEY TO NEWMARK E. SIDE	BUBBLE	3	110	110	110	

City of Monterey Park

Specification No. 885

S. GARFIELD	GARVEY TO ROSELYN W. SIDE	BUBBLE	1	110			
S. GARFIELD	ROSELYN TO NEWMARK W. SIDE	BUBBLE	3	110	110	110	
S. GARFIELD	EL REPETTO TO KELLER	E.MEDIAN	-				4800
S. GARFIELD	CORAL VIEW TO ISABELLA	PARKWAY	-				6100
S. GARFIELD	ARLIGHT TO W. FLORAL	MEDIAN	1	1200			
S. GARFIELD	W. FLORAL TO RIGGIN	MEDIAN	1	1100			
S. GARFIELD	RIGGIN TO POMONA	MEDIAN	1	7200			
S. GARFIELD	@ 2349 W. SIDE	FLARE	1	925			
S. GARFIELD	@ 2380 E. SIDE	FLARE	1	695			
ATLAS AVE.	@ POTRERO GRANDE DR.	MEDIAN	1	900			
POTRERO GRANDE DR.	@ ATLAS AVE.	MEDIAN	1	**660			
POTRERO GRANDE DR.	ATLAS TO MARKET PLACE DR.	MEDIAN	3	**2530	**3080	**1430	
POTRERO GRANDE DR.	SATURN TO KENTON	MEDIAN	2	**1760	**1540		
POTRERO GRANDE DR.	KENTON TO ARROYO	MEDIAN	1	**680			
POTRERO GRANDE DR.	@ ARROYO	MEDIAN	1	1730			
S. ORANGE	METRO TO TEGNER	GARDEN	-				48,787

** DENOTES MEDIANS TO BE CONSTRUCTED IN 2019 - 8 @ 15,860 SQ. FT.

LANDSCAPE MAINTENANCE TOTALS		
WORK AREA DESCRIPTION	QTY	FT ² AREA
MEDIANS	65	173,155
HILLSIDES	3	55,325
GARDENS	1	48,787
TURF AREAS	6	31,450
PARKWAYS	3	17,850
GROUND COVER ISLAND	1	6,295
BUILDING EXTERIORS	1	3,250
PARKING LOTS	2	2,575
SIDEWALK FLARE MEDIANS	2	1,620
SIDEWALK BUBBLE MEDIANS	7	770
BIOSWALE AREAS	2	650
PLANTERS	2	500

103 WORK AREAS TOTAL = 358,087 SQ. FT. (8.22 acres)

LANDSCAPE MAINTENANCE SERVICES CONSISTS OF ALL WORK AREAS IDENTIFIED ON THE ABOVE TABLE.	
<u>TOTAL BID AMOUNT IN NUMBERS</u>	\$ 9,832.00 PER MONTH
<u>TOTAL BID AMOUNT IN WORDS</u>	Nine Thousand Eight Hundred Thirty Two Dollars and 0/100 Cents PER MONTH
LOWEST BID AMOUNT WILL BE ESTABLISHED BASED ON THE TOTAL BID AMOUNT ABOVE.	

- The bid prices include any and all costs, including labor, materials, appurtenant expenses, taxes, royalties and any and all other incidental costs to complete the project, in compliance with the Bid and Contract Documents and all applicable codes and standards.
- All other work items not specifically listed in the bid schedule, but necessary to complete the work per bid and contract documents and all applicable codes and standards are assumed to be included in the bid prices.
- The City reserves the right to add, delete, increase or decrease the amount of any quantity shown and to delete any item from the contract and pay the contractor at the bid unit prices so long as the total amount of change does not exceed 25% (plus or minus) of the total bid amount for the entire project. If the change exceeds 25%, a change order may be negotiated to adjust unit bid prices.
- A bid is required for the entire work. The quantities set forth in the Bid Schedule will be used to calculate total bid amount. The final compensation under the contract will be based upon the actual quantities of work satisfactorily completed.

Supplemental unit cost submittal is provided as a reference only. **Lowest bid amount will NOT be established based on the supplemental unit cost submittal. LOWEST BID AMOUNT WILL BE ESTABLISHED BASED ON THE TOTAL BID AMOUNT ABOVE FOUND ON THE BID SCHEDULE.**

SUPPLEMENTAL UNIT COST SUBMITTAL

<u>IRRIGATION</u>	<u>UNIT COST</u>
1 INCH BRASS INLINE REMOTE CONTROL IRRIGATION VALVE	\$ 135.00
1 ½ INCH BRASS INLINE REMOTE CONTROL IRRIGATION VALVE	\$ 210.00
2 INCH BRASS INLINE REMOTE CONTROL IRRIGATION VALVE	\$ 312.00
12" X 18" RECTANGULAR VALVE BOX	\$ 86.00
8" ROUND VALVE BOX	\$ 48.00
RAINBIRD 1804 POP-UP SPRINKLER	\$ 18.00
RAINBIRD 1806 POP-UP SPRINKLER	\$ 28.00
RAINBIRD 1812 POP-UP SPRINKLER	\$ 49.00
RAINBIRD 6504 TURF ROTOR	\$ 123.00
RAINBIRD 5000 TURF ROTOR	\$ 65.00
<u>LANDSCAPE</u>	
1 GALLON PLANT PLANTED	\$ 12.00
5 GALLON PLANT PLANTED	\$ 32.00
1 FLAT POTTED COLOR	\$ 38.00
1 FLAT GROUND COVER	\$ 36.00
24" BOX TREE	\$ 425.00
MARATHON SOD x < 1000 ft. (price per sq. ft.)	\$ 2.15

LABOR**UNIT COST**

STANDARD HOURLY RATE FOR LABORER \$ 39.00

STANDARD HOURLY RATE FOR IRRIGATION TECHNICIAN \$ 61.00

STANDARD HOURLY RATE FOR FOREMAN \$ 53.00

STANDARD HOURLY RATE FOR SUPERVISOR \$ 66.00

WEED ABATEMENT

1338/92

STANDARD HOURLY RATE FOR 4 MAN CREW \$ 164.00

DESIGNATION OF SUBCONTRACTORS

BIDDER proposes to subcontract certain portions of the work which are in excess of one-half of one percent of the bid and to procure materials and equipment from suppliers and vendors as follows:

Subcontractor Information	Work to be Performed	Dollar Amount
Name: N/A		\$ <u>N/A</u>
Address: N/A		
Tel: N/A		
Name: N/A		\$ <u>N/A</u>
Address: N/A		
Tel: N/A		
Name: N/A		\$ <u>N/A</u>
Address: N/A		
Tel: N/A		
Name: N/A		\$ <u>N/A</u>
Address: N/A		
Tel: N/A		
Name: N/A		\$ <u>N/A</u>
Address: N/A		
Tel: N/A		
Name: N/A		\$ <u>N/A</u>
Address: N/A		
Tel: N/A		
Name: N/A		\$ <u>N/A</u>
Address: N/A		
Tel: N/A		
Name: N/A		\$ <u>N/A</u>
Address: N/A		
Tel: N/A		
Total Subcontract Amount (cannot exceed 49% of Total Bid Amount)		\$ <u>N/A</u>

REFERENCES

References must be for projects constructed by the bidding company; references for other projects performed by principals or other individuals of the bidding company may not be included. References must be either minimum from 3 Public Agencies; or minimum from 2 Public Agencies plus 2 Private Entities for which BIDDER has performed similar work within the past three years.

Reference 1		
Agency Name City of Newport Beach	Project Name and Brief Description Landscape Maintenance- Irrigation maintenance, Turf maintenance, Groundcover maintenance, Shrub, Vine and Tree maintenance, Hardscape maintenance, Sand/Wood Chip area maintenance, Drinking fountain maintenance.	
Contact Name and Title Dan Sereno, Landscape Mgr.		
Tel: (949) 644-3069 E-mail: dsereno@newportbeachca.gov	Contract Value: \$ 2,781,530.49	Year Completed: Current

Reference 2		
Agency Name City of Tustin	Project Name and Brief Description Landscape Maintenance- LMD	
Contact Name and Title Jim Sulli, Landscape Contract Sup.		
Tel: (714) 573-3360 E-mail: jsulli@tustinca.org	Contract Value: \$ 546,204.00	Year Completed: Current

Reference 3		
Agency Name City of Arcadia	Project Name and Brief Description Landscape Maintenance of City Parks, Medians and Parkways, Facilities, Water Facilities, Downtown 2000 Parking Districts 1 and 2, Transit Plaza	
Contact Name and Title Dave Thompson, Streets Superintendent		
Tel: (626) 256-6676 E-mail: dthompson@ArcadiaCA.gov	Contract Value: \$ 470,880.00	Year Completed: Current

Reference 4		
Agency Name City of Rancho Cucamonga	Project Name and Brief Description Landscape Maintenance of Medians and Parkways, Shrub, Groundcover, Vine and Landscape mulch maintenance. Tree maintenance, Pest control, Hardscape maintenance, Restroom maintenance, Drinking fountain and Pipe chase maintenance.	
Contact Name and Title Steve Relph, Maintenance Supervisor		
Tel: (909) 477-2730 *4116 E-mail: steve.relph@cityofrc.us	Contract Value: \$ 1,345,769.28	Year Completed: Current

SITE INSPECTION

The Bidder declares that he/she has carefully read and examined the plans, specifications, bid documents, and he/she has made a personal examination of the site (indicate name of the person, representing the bidder, who inspected the site and date below) and that he/she understands the exact scope of the Project without question.

Name of Person who inspected the site: Joshua Cho/ Dave Widjaja

Date of Inspection: January 25, 2019

ADDENDA ACKNOWLEDGMENT

The Bidder acknowledges receipt of the following Addenda and has included their provisions in this Proposal:

Addendum No. N/A Dated

Addendum No. N/A Dated

Addendum No. N/A Dated

Addendum No. N/A Dated

Addendum No. N/A Dated

Addendum No. N/A Dated

EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE

BIDDER certifies that all previous contracts or subcontracts, all reports which may have been due under the requirements of any Agency, Site, or Federal equal employment opportunity orders have been satisfactorily filed, and that no such reports are currently outstanding.

AFFIRMATIVE ACTION CERTIFICATION

BIDDER certifies that affirmative action has been taken to seek out and consider minority business enterprises for those portions of work to be subcontracted, and that such affirmative actions have been fully documented, that said documentation is open to inspection, and that said affirmative action will remain in effect for the life of any contract awarded hereunder. Furthermore, BIDDER certifies that affirmative action will be taken to meet all equal employment opportunity requirements of the contract documents.

INSURANCE REQUIREMENTS

To be awarded this contract, the successful bidder must procure and maintain the following types of insurance with coverage limits complying, at a minimum, with the limits set forth below:

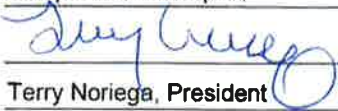
<u>Type of Insurance</u>	<u>Limits</u>
Commercial general liability:	\$2,000,000
Business automobile liability	\$1,000,000
Workers compensation	Statutory requirement.

Commercial general liability insurance must meet or exceed the requirements of ISO-CGL Form No. CG 00 01 11 85 or 88. The amount of insurance set forth above must be a combined single limit per occurrence for bodily injury, personal injury, and property damage for the policy coverage. Liability policies must be endorsed to name the City, its officials, and employees as "additional insureds" under said insurance coverage and to state that such insurance will be deemed "primary" such that any other insurance that may be carried by the City will be excess thereto. Such endorsement must be reflected on ISO Form No. CG 20 10 11 85 or 88, or equivalent. Such insurance must be on an "occurrence," not a "claims made," basis and will not be cancelable or subject to reduction except upon thirty (30) days prior written notice to the City.

Automobile coverage must be written on ISO Business Auto Coverage Form CA 00 01 06 92, including symbol 1 (Any Auto).

The Contractor must furnish to the City duly authenticated Certificates of Insurance evidencing maintenance of the insurance required under this Agreement, endorsements as required herein, and such other evidence of insurance or copies of policies as may be reasonably required by the City from time to time. Insurance must be placed with admitted insurers with a current A.M. Best Company Rating equivalent to at least a Rating of "A:VII." Certificate(s) must reflect that the insurer will provide thirty (30) day notice of any cancellation of coverage. The Contractor must require its insurer to modify such certificates to delete any exculpatory wording stating that failure of the insurer to mail written notice of cancellation imposes no obligation, and to delete the word "endeavor" with regard to any notice provisions.

By signing this form, the bidder certifies that it has read, understands, and will comply with these insurance requirements if it is selected as the City's Contractor. Failure to provide this insurance will render the bidder's proposal "nonresponsive."

Bidder's Name: Mariposa Landscapes, Inc.
 Authorized Signature: 
 Name and Title: Terry Noriega, President
 Date: January 25, 2019

PUBLIC CONTRACT CODE SECTION 7106

Noncollusion Declaration by Bidder

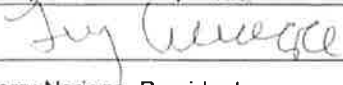
The undersigned declares:

I am the President of Mariposa Landscapes, Inc., the party making the foregoing bid.

The bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation. The bid is genuine and not collusive or sham. The bidder has not directly or indirectly induced or solicited any other bidder to put in a false or sham bid. The bidder has not directly or indirectly colluded, conspired, connived, or agreed with any bidder or anyone else to put in a sham bid, or to refrain from bidding. The bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the bidder or any other bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other bidder. All statements contained in the bid are true. The bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, to any corporation, partnership, company, association, organization, bid depository, or to any member or agent thereof, to effectuate a collusive or sham bid, and has not paid, and will not pay, any person or entity for such purpose.

Any person executing this declaration on behalf of a bidder that is a corporation, partnership, joint venture, limited liability company, limited liability partnership, or any other entity, hereby represents that he or she has full power to execute, and does execute, this declaration on behalf of the bidder.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Bidder's Name:	<u>Mariposa Landscapes, Inc.</u>
Authorized Signature:	<u></u>
Name and Title:	<u>Terry Noriega, President</u>
Date:	<u>January 25, 2019</u>

CALIFORNIA ALL-PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

State of California

County of Los Angeles


On January 28, 2019 before me, J. Cho, Notary Public
(Here insert name and title of the officer)

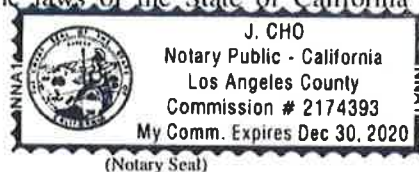
Personally appeared Terry Noriega, President

who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~ subscribed to the within instrument and acknowledgement to me that he/~~she they~~ executed the same in his/~~her/their~~ authorized capacity~~(ies)~~, and that by his/~~her/their~~ signature~~(s)~~ on the instrument the person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


Signature of Notary Public



ADDITIONAL OPTIONAL INFORMATION INSTRUCTIONS FOR COMPLETING THIS

FORM

DESCRIPTION OF THE ATTACHED DOCUMENT

AGREEMENT SIGNATURE PAGE
(Title or description of attached document)

(Title or description of attached document continued)

Number of Pages _____

Document Date _____

Additional Information _____

CAPACITY CLAIMED BY THE SIGNER

- ☐ Individual(s)
☐ Corporate Officer

(Title)

- ☐ Partner(s)
☐ Attorney-in-Fact
☐ Other _____

Any acknowledgment completed in California must contain verbiage exactly as appears above in the notary section or a separate acknowledgment form must be properly completed and attached to that document. The only exception is if a document is recorded outside of California. In such instances, any alternative acknowledgment verbiage as may be printed on such a document so long as the verbiage does not require the notary to do something that is illegal for a notary in California (i.e. certifying the authorized capacity of the signer). Please check the document carefully for proper notarial wording and attach this form if required.

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. he/she/they, is/are) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
 - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
 - ❖ Indicate title or type of attached document, number of pages and date.
 - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document.

PUBLIC CONTRACT CODE SECTION 10162

In conformance with the above Public Contract Code Section, the bidder hereby declares under penalty of perjury under the laws of the State of California that the bidder any officer of such bidder, or any employee of such bidder who has a proprietary interest in such bidder

has never been Yes has been No (Indicate YES or NO after applicable answer)

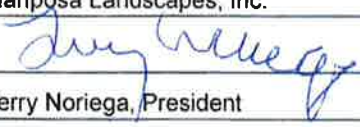
disqualified, removed, or otherwise prevented from bidding on, or completing a federal, state, or local government project because of a violation of law or a safety regulation, and if so to explain the circumstances.

If the answer is has been YES explain the circumstances below:

In conformance with Labor Code § 1725.5, the bidder

is Yes is not No (Indicate YES or NO after applicable answer)

registered with the Department of Industrial Relations. [If the answer is is not YES, the City requires to reject your bid as nonresponsive]

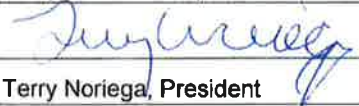
Bidder's Name: Mariposa Landscapes, Inc.
 Authorized Signature: 
 Name and Title: Terry Noriega, President
 Date: January 25, 2019

PUBLIC CONTRACT CODE SECTION 10232

In conformance with above Public Contract Code Section, the bidder hereby declares under penalty of perjury under the laws of the State of California that no more than one final, unappealable finding of contempt of court by a federal court

has not been Yes has been No (Indicate YES or NO after applicable answer)

Issued against the bidder within the immediately preceding two-year period because of the contractor's failure to comply with an order of a federal court which orders the contractor to comply with an order of the National Labor Relations Board. For purposes of this section, a finding of contempt does not include any finding which has been vacated, dismissed, or otherwise removed by the court because the contractor has complied with the order which was the basis for the finding.

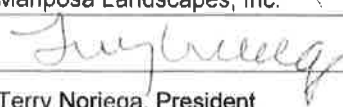
Bidder's Name: Mariposa Landscapes, Inc.
Authorized Signature: 
Name and Title: Terry Noriega, President
Date: January 25, 2019

PUBLIC CONTRACT CODE SECTION 10285.1

In conformance with above Public Contract Code Section, the bidder hereby declares under penalty of perjury under the laws of the State of California that the bidder or any partner, member, officer, director, responsible managing officer, or responsible managing employee thereof

has never been Yes has been No (Indicate YES or NO after applicable answer)

convicted within the preceding three years by a court of competent jurisdiction of any charge of fraud, bribery, collusion, conspiracy, or any other act in violation of any state or federal antitrust law in connection with the bidding upon, award of, or performance of, any public works contract, as defined in Public Contract Code Section 1101, with any public entity, as defined in Public Contract Code Section 1100, including, for the purposes of this article, the Regents of the University of California or the Trustees of the California State University.

Bidder's Name: Mariposa Landscapes, Inc.
Authorized Signature: 
Name and Title: Terry Noriega, President
Date: January 25, 2019

BIDDER INFORMATIONBidder's Name: Mariposa Landscapes, Inc.Address: 6232 Santos Diaz St., Irwindale, CA 91702Form of Legal Entity: CorporationIf a Corporation, State of Incorporation: CaliforniaState Contractor's Class and License No.: C27, A, C61/D49**Contact Person Information:**Name: Dave Widjaja Title: EstimatorE-mail: dave.widjaja@mariposa-ca.com Tel: (626) 960-0196 *2726

The following are the names, titles, addresses, and phone numbers of all individuals, firm members, partners, joint venturers, and/or corporate officers having a principal interest in this proposal:

Terry Noriega, President Antonio Valenzuela, Secretary

Theresa Lu, Chief Financial Officer

6232 Santos Diaz St. Irwindale, CA 91702 P. (626) 960-0196

The date(s) of any voluntary or involuntary bankruptcy judgements against any principal having an interest in this proposal are as follows:

N/A

All current and prior DBA'S, alias, and/or fictitious business names for any principal having an interest in this proposal are as follows:

Mariposa Horticultural Enterprises, Inc. (1989-2009)

Previous contract performance history:

Was any contract terminated previously: No

If the answer to the above is "yes", provide the following information:

City of Monterey Park

Specification No. 885

Contract/project name and number: N/ADate of termination: N/AReason for termination: N/AOwner's name: N/AOwner contact person and tel. no.: N/A

IN WITNESS WHEREOF, BIDDER executes and submits this proposal with the names, titles, hands, and seals of all aforementioned principals this 28th day of January, 2019.

BIDDER Mariposa Landscapes, Inc.

Terry Noriega
Terry Noriega, President
Antonio Valenzuela
Antonio Valenzuela, Secretary
Theresa Lu
Theresa Lu, Chief Financial Officer

Subscribed and sworn to this 28th day of January, 2019

NOTARY PUBLIC J. CHO

City of Monterey Park

Specification No. 885

**Boulevard Median Landscaping & City-Wide Weed Abatement

PROPOSAL GUARANTEE**BID BOND**Bond No.: BBSU

KNOW ALL MEN BY THESE PRESENTS that Mariposa Landscapes, Inc, as BIDDER, AND Hartford Fire Insurance Company, as SURETY, are held and firmly bound unto the City of Monterey Park, in the penal sum of TEN PERCENT THE AMOUNT BID IN (\$ 10%) dollars, lawful money of the United States, which is 10 percent of the total amount bid by BIDDER to the City of Monterey Park for the **, SPECIFICATIONS NO. 885 ("Public Project"), for the payment of which sum, BIDDER and SURETY agree to be bound, jointly and severally, firm by these presents.

THE CONDITIONS OF THIS OBLIGATION ARE SUCH that, whereas BIDDER is about to submit a bid to the City of Monterey Park for the above stated project, if said bid is rejected, or if said bid is accepted and a contract is awarded and entered into by BIDDER in the manner and time specified, then this obligation are null and void, otherwise it will remain in full force and effect in favor of the City of Monterey Park.

IN WITNESS WHEREOF the parties hereto have set their names, titles, hands, and seals this 2nd day of February, 2019.

SIGNED AND SEALED this 2nd day of February, 2019.

Mariposa Landscapes, Inc.

Terry Noriega
Terry Noriega, President
PRINCIPAL

Hartford Fire Insurance Company

Mary Smith
MARY SMITH Attorney-In-Fact
SURETY

PRINCIPAL's MAILING ADDRESS:6232 Santos DiazIrwindale, CA 91702**SURETY's MAILING ADDRESS:**One Pointe Drive, 6th FloorBrea, CA 92821

NOTE: All signatures must be acknowledged by a notary public.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Los Angeles)
On February 2, 2019 before me, Emily Preciado, Notary Public
Date Here Insert Name and Title of the Officer
personally appeared MARY SMITH
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Emily Preciado
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____
Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

POWER OF ATTORNEY

Direct Inquiries/Claims to:

THE HARTFORD

BOND, T-12

One Hartford Plaza

Hartford, Connecticut 06155

Bond.Claims@thehartford.com

call: 888-266-3488 or fax: 860-757-5835

KNOW ALL PERSONS BY THESE PRESENTS THAT:

Agency Name: BOLTON & COMPANY

Agency Code: 72-183250

- | | |
|-------------------------------------|--|
| <input checked="" type="checkbox"/> | Hartford Fire Insurance Company, a corporation duly organized under the laws of the State of Connecticut |
| <input checked="" type="checkbox"/> | Hartford Casualty Insurance Company, a corporation duly organized under the laws of the State of Indiana |
| <input checked="" type="checkbox"/> | Hartford Accident and Indemnity Company, a corporation duly organized under the laws of the State of Connecticut |
| <input type="checkbox"/> | Hartford Underwriters Insurance Company, a corporation duly organized under the laws of the State of Connecticut |
| <input type="checkbox"/> | Twin City Fire Insurance Company, a corporation duly organized under the laws of the State of Indiana |
| <input type="checkbox"/> | Hartford Insurance Company of Illinois, a corporation duly organized under the laws of the State of Illinois |
| <input type="checkbox"/> | Hartford Insurance Company of the Midwest, a corporation duly organized under the laws of the State of Indiana |
| <input type="checkbox"/> | Hartford Insurance Company of the Southeast, a corporation duly organized under the laws of the State of Florida |

having their home office in Hartford, Connecticut, (hereinafter collectively referred to as the "Companies") do hereby make, constitute and appoint, up to the amount of Unlimited :

Steven L. Brockmeyer, Barbara Doerning, Emily Preciado, Mary Smith, Ronald C. Wanglin of PASADENA, California

their true and lawful Attorney(s)-in-Fact, each in their separate capacity if more than one is named above, to sign its name as surety(ies) only as delineated above by ☒, and to execute, seal and acknowledge any and all bonds, undertakings, contracts and other written instruments in the nature thereof, on behalf of the Companies in their business of guaranteeing the fidelity of persons, guaranteeing the performance of contracts and executing or guaranteeing bonds and undertakings required or permitted in any actions or proceedings allowed by law.

In Witness Whereof, and as authorized by a Resolution of the Board of Directors of the Companies on May 6, 2015 the Companies have caused these presents to be signed by its Senior Vice President and its corporate seals to be hereto affixed, duly attested by its Assistant Secretary. Further, pursuant to Resolution of the Board of Directors of the Companies, the Companies hereby unambiguously affirm that they are and will be bound by any mechanically applied signatures applied to this Power of Attorney.



John Gray

John Gray, Assistant Secretary

M. Ross Fisher

M. Ross Fisher, Senior Vice President

STATE OF CONNECTICUT

COUNTY OF HARTFORD

ss. Hartford

On this 5th day of January, 2018, before me personally came M. Ross Fisher, to me known, who being by me duly sworn, did depose and say: that he resides in the County of Hartford, State of Connecticut; that he is the Senior Vice President of the Companies, the corporations described in and which executed the above instrument; that he knows the seals of the said corporations; that the seals affixed to the said instrument are such corporate seals; that they were so affixed by authority of the Boards of Directors of said corporations and that he signed his name thereto by like authority.



CERTIFICATE

Kathleen T. Maynard

Kathleen T. Maynard
Notary Public

My Commission Expires July 31, 2021

I, the undersigned, Assistant Vice President of the Companies, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of the Power of Attorney executed by said Companies, which is still in full force effective as of February 2, 2019 Signed and sealed at the City of Hartford.



Kevin Heckman
Kevin Heckman, Assistant Vice President

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Los Angeles)

On February 2, 2019 before me, D. Jones, Notary Public
(insert name and title of the officer)

personally appeared Terry Noriega
who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~
subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in
his/~~her/their~~ authorized capacity~~(ies)~~, and that by his/~~her/their~~ signature~~(s)~~ on the instrument the
person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)

